



Crl.O.P.No.29657 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 324 and 506(ii) of IPC in Crime No.298 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant/Varatharaj is that on 06.11.2022 around 17.45 hours, he gone to a tea shop, at that time, there was a wordy quarrel arose between the petitioner and the defacto complainant. During the quarrel, the petitioner along with other accused have abused him in filthy language and also assaulted him with iron rod resulting in him sustaining injuries. Hence the complaint.

3. The learned counsel for the petitioner would submit that this is the second application for anticipatory bail and the earlier application for anticipatory bail was dismissed on the ground that the injured is still in the hospital. He would further submit that the injured has been discharged from the hospital and hence, he prays for grant of anticipatory bail to the



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petitioner.

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4. The learned Additional Public Prosecutor appearing for the respondent would submit that on 06.11.2022, the defacto complainant gone to a tea shop, at that time, the petitioner along with other accused have picked up a quarrel with the defacto complainant and during the quarrel, the petitioner along with other accused have abused him in filthy language and also assaulted him with iron rod. He would further submit that the injured has been discharged from the hospital. Hence, he opposed for grant of anticipatory bail to the petitioner.

5.Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor for the respondent and perused the entire materials available on record.

6.Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel and also of the fact that the injured has been discharged from the hospital, this Court is inclined to



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grant anticipatory bail to the petitioner with certain conditions.

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7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate, Dharapuram**, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or



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trial.

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[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

01.12.2022

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A.D.JAGADISH CHANDIRA, J.

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