



Crl.O.P.No.29523 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 323, 324, 307 and 506(ii) of IPC in Crime No.154 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Ajith is that the de facto complainant was informed by three persons namely Surender, Jegadeesh and Ramesh that the accused persons were coming to beat the de facto complainant and his brother. On 21.03.2022 at about 12.30 p.m., when the de facto complainant along with his brother went by two wheeler near VCR weigh bridge in Lee Bazaar Main Road, the petitioner attacked the de facto complainant's brother Kathirvelu and attempted to squeeze his testicles, abused them with filthy language and also threatened them with dire consequences. Hence the complaint.



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3. The learned counsel for the petitioner submits that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that it is a case and case in counter and on the complaint given by the petitioner, a counter case in Crime No.155 of 2022 has been registered against the opposite party. He would further submit that co-accused (M.Radhakrishnan) in this case has been earlier granted anticipatory bail by this Court in Crl.O.P.No.9447 of 2022 on 26.04.2022. He would also submit that the petitioner is ready and willing to furnish sufficient sureties and to abide by any stringent condition that may be imposed by this Court. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor for the respondent would submit that this is the case and case in counter. On 21.03.2022, at about 12.30 p.m., during the wordy quarrel, the petitioner attacked the de facto complainant's brother Kathirvelu and attempted to squeeze his testicles, abused them with filthy language and also threatened them with



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dire consequences. He would further submit that co-accused (M.Radhakrishnan) in this case has been earlier granted anticipatory bail by this Court in Crl.O.P.No.9447 of 2022 on 26.04.2022. However, he vehemently opposed to grant anticipatory bail to the petitioner.

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

6. Taking into consideration of the facts and submission that it is a case and case in counter and further on the complaint given by the petitioner, the counter case was also registered in Crime No.155 of 2022, this Court is inclined to grant Anticipatory Bail to the petitioner with certain conditions.

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**



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Judicial Magistrate No.II, Salem, on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty 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 trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the



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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 abscond, a fresh FIR can be registered under Section 229A IPC.

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