



Crl.O.P.No.30055 of 2022

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T.V.THAMILSELVI,J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 324 and 506(ii) of IPC in Crime No.614 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant/ Pandiyan is that the petitioner along with other accused came to the Namakkal Bus stand and asked cell phone from the defacto complainant to make a phone call. When he refused to give the cell phone, a wordy quarrel arose between them and during the quarrel, the petitioner along with other accused have abused him and also assaulted him. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner and the defacto complainant are known to each other and due to previous enmity, a false complaint has been given against him. Hence, he prays for grant of anticipatory bail to the petitioner.



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4. The learned Government Advocate (Crl. Side) would submit that when the petitioner along with other accused asked cell phone from the defacto complainant to make a phone call, he refused to give the cell phone and due to which, a wordy quarrel arose between them. During the quarrel, the petitioner along with other accused have abused him and also assaulted him. He would further submit that the injury sustained by the defacto complainant is simple in nature. However, he opposed for grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case and also taking note of the fact that the injury sustained by the defacto complainant is simple in nature, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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 No.I, Namakkal District**, on condition that the petitioner shall execute separate bond for a sum of **Rs.10,000/- (Rupees**



Ten 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 every Saturday at 10.30 a.m., for a period of eight weeks and thereafter, as and when required for interrogation.

[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 petitioner in accordance with law as if the conditions have been imposed and the petitioner released on



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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.

05.12.2022

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