



Crl.O.P.No.30767 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) and 307 of IPC in Crime No.275 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that on 13.09.2022, the petitioner along with other accused persons have waylaid the defacto complainant and one Amid, abused them in filthy language and assaulted them with Aruval, due to which, the defacto complainant sustained head injuries. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged. He would also submit that a false complaint has been filed against him since he is the friend of other accused. He would further submit that the co-accused were granted bail. Hence, he prays for grant of anticipatory bail to the petitioner.



Crl.O.P.No.30767 of 2022

WEB COPY

4. The learned Government Advocate (Crl. Side) would submit that the petitioner along with other accused under the influence of liquor intercepted the defacto complainant and abused him with filthy language and inflicted injuries with Aruval on his left head and chased him for further attack. He would also submit that the anticipatory bail petition filed by the petitioner in C.M.P.No.10008 of 2022 was dismissed on 05.12.2022. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the fact that the co-accused have been released on bail, 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 Court, Gingee**, on condition that the petitioner



CrI.O.P.No.30767 of 2022

shall execute a 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 daily at 10.30 a.m., for a period of two months;

[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;



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Crl.O.P.No.30767 of 2022

T.V.THAMILSELVI,J.

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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.

16.12.2022

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Crl.O.P.No.30767 of 2022