



Crl.O.P.No.31142 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), 427, 324 and 506(ii) of IPC in Crime No.641 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that on 04.11.2022, the petitioner along with other two persons assaulted and threatened the defacto complainant. Hence, the complaint.

3. The learned counsel for the petitioner would submit that petitioner gave his mobile to the defacto complainant for repair and when the petitioner's brother went to the defacto complainant's shop, there was a wordy quarrel between the petitioner's brother and the defacto complainant and in result the defacto complainant assaulted the petitioner's brother. He further submits that the petitioner is an innocent person and a false complainant has been foisted against him. The learned counsel, on instructions, would further submit that the petitioner, without prejudice to his rights, is ready to deposit the amount of **Rs.5,000/-**



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(Rupees Five Thousand Only) to the credit of the crime number. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that due to a quarrel, the petitioner along with some others hit the defacto complainant. Hence, he opposed for grant of anticipatory bail to the petitioners.

5. Heard both sides and perused the materials. Taking into consideration the facts and circumstances of the case, 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 IV, Tiruppur** on condition that each of the petitioners 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



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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 shall deposit a amount of **Rs.5,000/- (Rupees Five Thousand Only)** to the credit of the crime number within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate IV, Tiruppur**, and on such deposit, the defacto complainant is permitted to withdraw the said deposit amount on proper identification and acknowledgment;

[b] 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;

[c] the petitioner shall report before the respondent Police every Saturday at 10.30 a.m. for a period of four weeks and thereafter as and when required for interrogation;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner shall not abscond either during investigation or trial;

[f] On breach of any of the aforesaid conditions, the



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learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners 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]**;

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

23.12.2022

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