

CrI.O.P.No.31262 of 2022

T.V.THAMILSELVI, J.

The petitioner, who apprehends arrest for the alleged offence under Sections 147, 148, 294(b), 323, 324, 307, 506(2) & 397 IPC in Cr.No.205 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on account of a previous enmity regarding murder of one Manthoppu Sundar, the accused, who are said to be the relatives of the said Manthoppu Sundar abused the defacto complainant with filthy language and assaulted him with sticks. Due to which, he sustained injuries. Hence, the case.

3.The learned counsel appearing for the petitioner submits that the petitioner is arrayed as A5 and he has been falsely implicated in this case. He would submit that the petitioner's name has not been mentioned in the F.I.R and that A2 and A3 were granted bail. Hence, he prays to grant anticipatory bail to the petitioner.



4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that on account of a previous enmity, the accused along with others have abused the defacto complainant with filthy language and assaulted him with sticks. Due to which, he sustained injuries. He would further submit that charge sheet has been filed and not taken on file. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and that charge sheet has been filed, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate Court, Vanur** on condition that the petitioner 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 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 Court concerned 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 Wednesday at 10.30 a.m. until the charge sheet is taken on file by the learned Magistrate concerned;

(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 anticipatory 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]***; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

20.12.2022

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