



Crl.O.P.No.31849 of 2022

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T.V.THAMILSELVI, J.

The petitioner who apprehends arrest for the alleged offence under Sections 341, 342, 294(b), 323, 324 and 506 (ii) 34 of IPC in Cr.No.278 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on receiving the information from the Government Medical College Hospital on 10.10.2022, the respondent police reached the hospital and obtained the statement from the defacto complainant, in which he has stated that on 09.10.2022, at about 09:00 pm, when he was going to home from shop with his paternal uncle, he was abused by the petitioner and he was also attacked with iron rod, due to which he sustained blood injury and admitted in hospital. Hence the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner and the defacto complainant are friends and due to previous enmity a false complaint has been lodged against the petitioner. The learned counsel, on instructions, would further submit that the petitioner, without prejudice to his



rights, are ready to deposit the amount of **Rs.15,000/- (Rupees Fifteen Thousand Only)** to the credit of the crime number. Hence, he prays to grant anticipatory bail to the petitioner.

4.The **learned Government Advocate (Crl. side)** submits that the petitioner and others assaulted the defacto complainant with iron rod and the defacto complainant sustained blood injury. He further submits that the previous bail petition moved by the petitioner was dismissed by this Court on 28.10.2022. Hence, he opposed for granting anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner, I am inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate I, Krishnagiri** on condition that each of the petitioner shall execute separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties each for a



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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 shall deposit a amount of **Rs.15,000/- (Rupees Fifteen 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 I, Krishnagiri**, 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 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 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]**;

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

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