



Crl.O.P.No.32405 of 2022

Crl.O.P.No. 32405 of 2022

A.A.NAKKIRAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 324 and 506(ii) of IPC, in Crime No.638 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that, due to pathway dispute, the petitioner along with three others are abused the defacto complainant with filthy language and assaulted and also intimidated with dire consequences. 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 by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioner

4. The learned Government Advocate (Crl.Side) submitted that it is a case in counter. He further submitted that, due to dispute in the pathway, there was a wordy quarrel between the petitioner and the defacto complainant and



subsequently, the petitioner along with three others attacked the defacto complainant thereby causing injury. He further submit that the injured has been discharged from the hospital. Hence, he opposed for grant of anticipatory bail to the petitioner .

5. Considering the facts and circumstances of the case and also the fact that the injured has been discharged from the hospital and it is a case in counter, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest by the respondent police or the police Officer, who intends to arrest or on the petitioner surrenders before the learned Judicial Magistrate Court, Omalur, within a period of fifteen days from the date of receipt of a copy of this order, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties for a like sum/amount to the satisfaction of the learned Judicial Magistrate Court, Omalur.

(a) the sureties shall affix their photographs and left thumb impression in the surety bond. The police Officer who intends to arrest or the learned



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Judicial Magistrate before whom the petitioner surrenders and the sureties execute bond shall obtain a copy of their Identity Card, Aadhar Card, or Voter Identity Card or Driving Licence or PAN Card or Bank Passbook with Photo affixed and attested by the Bank Manager as proof of Identity.

(b) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

(c) the petitioner shall not influence, threaten or coerce the 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 Investigation Officer shall exercise the discretion to cancel the bail by approaching the Court of the learned Judicial Magistrate/Trial Court.

(f) the learned Judicial Magistrate/Trial Court shall on application for cancellation of bail bond by the Investigation Officer shall pass appropriate orders as though bail granted by the learned Judicial Magistrate/Trial Judge himself/herself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;



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drl/smn

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

28.12.2022

drl/smn

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