



Crl.O.P.No.32496 of 2022

Crl.O.P.No. 32496 of 2022

A.A.NAKKIRAN, J.

The petitioner, who apprehends arrest at the hands of the Respondent Police for the offences punishable under Sections 452, 294(b), 427, 324 and 506(2) of IPC, in Crime No.174 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is the relative of the defacto complainant, while the fact being so, on 03.10.2022 at about 10.45 a.m, when the defacto complainant was in his house, the petitioner in a drunken mood trespassed into the house of the defacto complainant and assaulted him with knife over his chest, head, left shoulder, wrist and backside and also threatened him with dire consequences and thereby causing grievous injuries to the defacto complainant. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and that he did not commit any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate (Crl.Side) submitted that the petitioner and the defacto complainant are relatives. Due to wordy quarrel, the petitioners in a drunken mood, entered into the house of the defacto complainant and assaulted him with knife over his chest, head, left shoulder and backside, wrist and thereby causing grievous injuries. He further submits that the injured has been discharged from the hospital and there is one previous case as against the petitioner. Hence, he vehemently opposed to grant 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, 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 District Munsif cum Judicial Magistrate Court, Gummidipoondi, 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



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Rs.10,000/- (Rupees Ten Thousand only) with two sureties for a like

sum/amount to the satisfaction of the learned District Munsif Court Judicial Magistrate, Gummidipoondi.

(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 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.



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(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;

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

28.12.2022

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