



Crl.O.P.No.58 of 2023

Crl.O.P.No.58 of 2023

WEB COPY

T.V.THAMILSELVI,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 341, 323, 355, 324 and 506(ii) of IPC, in Crime No.314 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that the accused waylaid the de-facto complainant and abused him in a filthy language and assaulted him with sticks, resulting in him sustaining grievous injuries. Hence the case.

3. Learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that due to the previous enmity, the de-facto complainant has lodged a false complaint against the petitioner. He also submitted that based on the complaint given by the petitioner a case in Crime No.315 of 2022 was registered. He also stated that the petitioner is ready to abide by any stringent



Crl.O.P.No.58 of 2023

conditions that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that it is a case and a case in counter. He further submitted that due to the previous enmity the petitioner along with the other accused abused the de-facto complainant and assaulted him with sticks, causing grievous injuries. He also stated that the injured has been discharged from the hospital. However, he opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner and also taking note of the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner with certain



7. 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 No.I, Ulundurpet**, 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, failing which, the petition for anticipatory bail shall stand dismissed 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 Magistrate 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. for a period of three months and thereafter, as and when required for interrogation;

[c] the petitioner shall not tamper with evidence



WEB COPY



CrI.O.P.No.58 of 2023

or witness either during investigation or trial;

T.V.THAMILSELVI,J.

ham

[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 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]**;

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

05.01.2023

ham



WEB COPY



Crl.O.P.No.58 of 2023

Crl.O.P.No.58 of 2023