



Crl.O.P.No.798 of 2023

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T.V.THAMILSELVI, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 341, 294(b), 324 and 506(2) of IPC in Crime No.335 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that due to family dispute, the petitioner waylaid the defacto complainant, abused him with filthy language and attacked him by using knife, due to which the defacto complainant sustained grievous injuries and got admitted in the hospital. Hence the complaint.

3. Learned counsel for the petitioner would submit that the petitioner is an innocent person and due to previous enmity, the defacto complainant, who is none other than the brother of the petitioner, gave a false complaint against the petitioner in order to wreck vengeance. He would further submit that, he is ready to abide by any stringent condition that may be imposed by this Court and hence, he prays for grant of



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anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioner assaulted the victim by using knife, due to which the victim sustained injuries. He further submitted that, the victim is discharged from the hospital. However, he opposed for grant of anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner as well as 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 fact that the victim has been discharged from this hospital, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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



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from the date on which the order copy made ready, before the **learned Judicial Magistrate No-I, Mettur, Salem District** 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 on every Wednesday at 10.30 a.m., for a period of six weeks and thereafter, as and when required for interrogation.

[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;



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[e] 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]**;

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

12.01.2023

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To:

1. The Judicial Magistrate No-I,
Mettur, Salem District.
2. The Public Prosecutor,
High Court of Madras.



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