



Crl.O.P.No.1085 of 2023

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T.V.THAMILSELVI, J.

The petitioner, who apprehends arrest for the alleged offence under Sections 294(b), 323, 324, 427 & 506 (2) of IPC in Crime No.3 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. There are totally four accused and this petitioner is arrayed as A1. The case of the prosecution is that due to previous enmity, the petitioner abused and assaulted the defacto complainant, thereby, he sustained injuries. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He further submits that there is a case in counter registered against the defacto complainant. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.



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4. The learned Government Advocate (Criminal Side) would submit that this is a case in counter and totally there are four accused involved in this case and due to previous enmity, the petitioner abused and assaulted the defacto complainant, thereby, he sustained injuries. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration, the facts and circumstances of the case and the submissions made by the learned counsel and also of the fact that the injured has been discharged from the hospital and there 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 or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate, Vaniyambadi**, on condition that the petitioner shall execute a



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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 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 Court concerned 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 on every Wednesday at 10.30 a.m., for a period of six weeks and thereafter, as and when required for interrogation;

© 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;

(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



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Magistrate/Trial Court himself as laid down by the Hon'ble

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Supreme Court in *P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]*; and;

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

19.01.2023

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