



CrI.O.P.No.1788 of 2023

CrI.O.P.No.1788 of 2023

WEB COPY

T.V.THAMILSELVI, J.

The petitioner who apprehends arrest for the alleged offence under Sections 294(B), 324, 336 and 506(2) of IPC in Cr.No.21 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant on 14.01.2023 at about 9.20 a.m., when he was returning to his house from his work, near Samarasa Nagar junction, all the four accused persons were consumed alcohol in the middle of the road. When he was questioned by the defacto complainant, they attacked him with deadly weapons and he sustained injuries. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that this petitioner is arrayed as A3 and that he is no way connected with the alleged offence. According to him the petitioner went for pongal festival purchased and met the A1 in the market. Later this petitioner returned home. However, the defacto complainant had unwontedly added his name while



CrI.O.P.No.1788 of 2023

alleging the complaint. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (CrI.side) would submit that totally there are four accused this petitioner is arrayed as A3 and further three persons have been arrested. He opposed to grant anticipatory bail to the petitioner.

5. Considering the fact that this Court is inclined to grant anticipatory bail to the petitioner.

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, No-II, Nagapattinam 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 and on further condition that:

2/4



CrI.O.P.No.1788 of 2023

WEB COPY

(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 two weeks and thereafter, as and when require for interrogation;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]*; and;

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

30.01.2023

vsn

T.V.THAMILSELVI, J.

vsn



WEB COPY



CrI.O.P.No.1788 of 2023

CrI.O.P.No.1788 of 2023

30.01.2023