



Crl.O.P.No.1763 of 2023

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T.V.THAMILSELVI, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 294(b), 323, 324 & 506(ii) of IPC in Crime No.Not known of 2023, seek anticipatory bail.

2. The case of the prosecution is that the petitioner and the defacto complainant who belonging to the same village. The petitioner and one Govindaraj were sitting near the petitioner's house and speaking about the some money transaction on that time, the petitioner said to have assaulted the said Govindaraj and hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is no way connected with the alleged offence and he is falsely implicated in this case. Therefore, he prays to grant anticipatory bail to the petitioner.



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4. The learned Government Advocate (Crl.Side) would submit that the petitioner threatening the defacto complainant with dire consequences. He further submit that the victim is discharged from the hospital. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the submission made by the learned Additional Public Prosecutor, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the **learned Munsif cum Judicial Magistrate-Valapadi**, 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



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the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner is directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of the Registered Advocate Clerk Association, Salem, within a period of two weeks from the date of receipt of copy of this order, without prejudice to his defence before the trial Court and the learned Judicial Magistrate, after perusing the challan/ receipt, shall accept the sureties furnished by the petitioner;

[b] 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.

[c] the petitioner is directed to report before the respondent police on every Saturday at 10.30 a.m., and thereafter, as and when required for interrogation

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[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 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]**.

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

30.01.2023

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