

**Crl.O.P.No.3257 of 2023**

WEB COPY

T.V.THAMILSELVI, J.

The petitioner, who apprehend arrest for the alleged offence under Section 294(b), 324 and 506(ii) of IPC in Cr.No.31 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 04.02.2023 the petitioner along with one Mr.Edison went to the welding shop which was owned by one Mr.Dhamodaran, who is the brother of the defacto complainant. Further, the petitioner abused and assaulted him with iron rod and threatened to kill him if the defacto complainant's brother does not vacate the shop. Hence, the case.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioner.



4.The learned Government Advocate (Crl. side) submits that the petitioner along with other accused had abused the defacto complainant and also assaulted him with iron rod and threatened to kill him if the defacto complainant's brother does not vacate the shop. He further submitted that the injured person has been discharged from the hospital. However, he opposed for granting anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also the fact that the injured person has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate, Chheyur**, 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:



[a] the petitioner is directed to deposit a sum of

WEB COPY

Rs.10,000/-(Rupees Ten Thousand Only) to the credit of

Crime No.31 of 2023 without prejudice to his rights, within a

period of two weeks from the date of receipt of copy of this

order and produce the receipt before the concerned Magistrate.

On such deposit, defacto complainant is permitted to withdraw

the above said amount by filing an undertaking of affidavit

before the concerned Magistrate.

(b)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;

(c)the petitioner shall report before the respondent police on every Tuesday and Saturday at 10.30 a.m. for a period of two months, thereafter as and when required 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;

**T.V.THAMILSELVI, J.**

jai/nti

(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 anticipatory 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.

14.02.2023

jai/nti

Crl.O.P.No.3257 of 2023**14.02.2023**