

Crl.O.P.No.4246 of 2023

T.V.THAMILSELVI, J.

The petitioner, who apprehends arrest for the alleged offence under Section 294(b), 323 and 506(ii) of IPC in Cr.No.162 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that due to previous enmity, the petitioner/A-2 and other accused persons abused the defacto complainant in filthy language and assaulted with wooden log and in the said attack the defacto complainant and his friend sustained grievous injuries. Thereby, the law enforcing agency registered a case against the petitioner.

3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that the defacto complainant sustained only simple injuries. He also submits that the petitioner and the defacto complainant are friends. Due to previous enmity, a false complaint has been given against the petitioner. Hence, he prays to grant anticipatory bail to the petitioner.



4.The learned Government Advocate (Criminal Side) appearing for the respondent submits that the injured person has been discharged from the hospital and there is no previous case pending against the petitioner. However, he opposed vehemently for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and 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, Thirukalukundram*, 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 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 every Saturday at 10.30 a.m. for a period of four 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;

(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 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;

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

01.03.2023

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