



CrI.O.P.No.4275 of 2023

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T.V.THAMILSELVI, J.

The petitioner, who apprehends arrest for the alleged offence under Sections 147, 148, 341, 294(b), 323, 324 and 506(2) of IPC in Cr.No.134 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that due to previous enmity, there arose a wordy quarrel in between the petitioner and other accused persons and the de-facto complainant, during which, the petitioner and other accused persons abused the de-facto complainant using filthy language and attacked him by using wooden log, due to which, the de-facto complainant sustained injuries and got admitted in the hospital. Hence, this complaint.

3. Learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and has not committed any offence as alleged by the prosecution. He would further submit that there is a case in counter registered against the de-facto complainant. Hence, he prayed for grant of anticipatory bail to the petitioner.



4. Learned Government Advocate (Crl.side) would submit that the petitioner along with other accused persons, attacked the de-facto complainant with wooden log, due to which, he sustained injuries, got admitted in the hospital and got treated and subsequently, the injured/de-facto complainant has been discharged from the hospital. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the fact that the it is a case and a case in counter, and also the fact that the injured 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 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 No-I, Mettur, Salem 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:

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(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 alternate days at 10.30. a.m for a period of six weeks;

(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 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.



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