



Crl.O.P.No.4627 of 2023

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A.D.JAGADISH CHANDIRA,J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 341, 294(b), 324, 506(ii) IPC in Crime No. 72 of 2023, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that on 16.02.2023, due to previous enmity, the defacto complainant was harassed by the accused person in filthy language and the accused along with other persons intentionally attacked the defacto complainant and escaped from the scene of occurrence. Hence, the complaint.

3. The learned counsel Madhubala appearing for the petitioner would submit that the co-accused in this case were similarly placed has been granted anticipatory bail by this Court in Crl.OP.No.4990 of 2023 vide order dated 07.03.2023. Hence, 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 and the defacto complainant belongs to two rival gang in a college and during the quarrel, the petitioner along with other accused persons assaulted the defacto complainant and his friends. He would further submit that the injured has been treated as out patient. He further submits that the co-accused was arrested and released on anticipatory bail by this Court. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration the facts of the case and the submissions made by the learned counsel and also of the fact that the injured has been treated as out patient, this Court is inclined to grant 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, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate, Madhavaram**, on condition that the petitioner



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shall execute separate bond for a sum of **Rs.25,000/- (Rupees Twenty Five 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, failing which, the petition for anticipatory bail shall stand dismissed 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 Magistrate 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 daily at 6.30 p.m., for a period of two weeks and thereafter every Saturday at 6.30 p.m., until further orders.

[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



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Court himself as laid down by the Hon'ble Supreme Court
in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

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

08.03.2023

drl

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