



Crl.O.P.No. 4829 of 2023

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WEB C **A.D. JAGADISH CHANDIRA, J.**

The petitioner, who apprehends arrest for the alleged offences under Sections 294(b), 323, 324, 307 of IPC in Crime No. 403 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that due to some kind of dispute regarding illicit intimacy, the accused had abused the de-facto complainant's son and assaulted him with cricket bat and thereby he sustained severe injuries. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the de-facto complainant's son had misbehaved with the wife of the petitioner and when he questioned the same, during such time, the incident happened. He would further submit that the petitioner has no previous case. He would further submit that the injured has been discharged from the hospital. Hence, he prays for grant of anticipatory bail to the petitioner.



Crl.O.P.No. 4829 of 2023

4. The learned Government Advocate (Criminal Side) would submit that on account of illicit intimacy with the wife of the petitioner, the petitioner had attacked the de-facto complainant's son with cricket bat and pushed him. He would further submit that there is no previous case against the petitioner. He would further submit that the injured has been discharged from the hospital. However, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and also the submission of both sides, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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 Judicial Magistrate Court, Tirukoilur, Kallakurichi District**, on condition that each of the



Crl.O.P.No. 4829 of 2023

petitioner shall execute a 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 everyday at 10.30 a.m. for a period of two weeks and thereafter, every Saturday at 10.30 a.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.



Crl.O.P.No. 4829 of 2023

**A.D.JAGADISH CHANDIRA, J.**

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[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]**.

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

**06.03.2023**

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**Crl.O.P.No. 4829 of 2023**