



CrI.O.P.No.4983 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 120B, 294(b) and 307 of IPC in Crime No.108 of 2023, seeks anticipatory bail.

2. The case of the prosecution as per the de facto complainant P.Surendiran is that on 07.02.2023, due to previous enmity, the accused joined/conspired together and abused the de facto complainant with filthy language and assaulted him with knife resulting in him sustaining grievous injuries on stomach, left back and left ear. Hence the case.

3. The learned Counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely roped into this case as sixth accused, since the respondent Police suspects that he is also friend of the main accused. He would further submit that the main accused/A1 to A5 have been arrested and enlarged on bail in



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Crl.M.P.No.370 of 2023 dated 21.02.2023 by the learned Principal District and Sessions Judge, Tiruppur. He would further submit that the injured has been discharged from the hospital and the petitioner has no previous case against him. He would also submit that the petitioner is ready and willing to furnish solvent sureties and to abide by any stringent condition that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that the petitioner along with the other accused have indiscriminately assaulted the de facto complainant with knife, resulting him in sustaining grievous injuries. He would further submit that the injured had already been discharged from the hospital and there is no previous case as against the petitioner. However, he vehemently opposed to grant anticipatory bail to the petitioner.

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



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6. Taking into consideration the facts and circumstances of the case, the submissions made on either sides and also of the fact that injured has been discharged from the hospital, 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 **learned Judicial Magistrate No.III, Tiruppur**, on condition that the 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 his Aadhar card or Bank pass Book to ensure their identity.



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[b] the petitioner shall report before the respondent police every day 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.

[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.

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