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CrI.O.P.No.4994 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 294(b), 324, 354 and 506(ii) of IPC, in Crime No.27 of 2023, seeks anticipatory bail.

2.The case of the prosecution is that on 19.02.2023 due to a quarrel regarding theft of mobile phone, the petitioners have assaulted the defacto complainant and also threatened him with dire consequences. Hence, the complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and on the complaint given by the defacto complainant, the petitioner is now made as an accused. Hence, he prays for grant of anticipatory bail to the petitioner.



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4.The learned Government Advocate(Crl.Side) appearing for the respondent Police would submit that due to quarrel regarding theft of mobile phone, the petitioner along with other accused have abused the defacto complainant with filthy language and also assaulted him. He would further submit that the injured has been discharged from the hospital. However, he prays for grant of anticipatory bail to the petitioner.

5.Heard the learned counsel and perused the entire materials available on record.

6.Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel and also of the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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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.II, Udumalpet, 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 their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent Police daily at 10.30 a.m., until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;



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[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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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;

07.03.2023

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