



Crl.O.P.No.5230 of 2023

Crl.O.P.No.5230 of 2023

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, 323, 355, 506(2) and 307 of IPC, in Crime No.15 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Rajesh is that, on account of previous enmity, the accused had assaulted him with knife and also the other accused on his chest. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that the main accused in this case one Suriyan has been granted anticipatory bail in Crl.OP.No.2143 of 2023 dated 01.02.2023. Hence, he prays for grant of anticipatory bail to the petitioner.



Crl.O.P.No.5230 of 2023

4. The learned Government Advocate (Criminal Side) would submit that the petitioner along with other accused persons assaulted the defacto complainant with knife by causing injuries to him. He would further submit that the injured has been discharged from the hospital. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

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

6. 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 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 Metropolitan Magistrate No.II, Attur, Salem District, on condition that the petitioner shall



Crl.O.P.No.5230 of 2023

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;

[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



Crl.O.P.No.5230 of 2023

A.D.JAGADISH CHANDIRA. J.

drl

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;

09.03.2023

drl

Crl.O.P.No.5230 of 2023