



Crl.O.P.No.5600 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 447, 294(b), 323, 324 and 506(ii) of IPC, in Crime No.2 of 2023, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Ramesh Rajbhar is that on 02.01.2023, when the defacto complainant was on the way to the shop along with his friends, the petitioner along with his friend in an inebriated condition had asked a cell phone for making a call. When the defacto complainant had informed that there is no balance in the cell, the accused had abused the defacto complainant with filthy language and assaulted him with stone, resulting him sustained injuries in the eyebrow. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and and he has been falsely implicated in this case. He would submit that the defacto complainant and his friends have assaulted the petitioner with iron rod,



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due to which, the petitioner also sustained injuries on the head and on the complaint given by the petitioner, a case in Crime No.1/2023 has been registered by the respondent police against the defacto complainant for the offence under sections 294(b), 323, 324 and 506(ii) IPC. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent Police would submit that on 02.01.2023, when the defacto complainant was on the way to the shop along with his friends, the petitioner along with his friend in an inebriated condition had asked the cell phone for making a call. When the defacto complainant had informed that there is no balance in the cell, the accused had abused the defacto complainant with filthy language and assaulted him with stone, resulting him sustained injuries in the eyebrow. He would submit that the injured has been discharged from the hospital and it is a case in counter. However, he opposed 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



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case and the submissions made by the learned counsel and also the fact that the injured has been discharged from the hospital and it is a case in counter, 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 District Munsif cum Judicial Magistrate, Gummidipondi, Thiruvallur District**, 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



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respondent Police on every Saturday at 06.30 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 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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