



Crl.O.P.No.5612 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), 323, 324 and 506(ii) of IPC in Crime No.65 of 2021, seeks anticipatory bail.

2. The case of the prosecution as per the de facto complainant Rajesh, is that there was a quarrel between the de-facto complainant and his brother, due to some family dispute. While so, the petitioner had unnecessarily intervened them, abused the defacto complainant and also assaulted him with aruval, causing injuries. Hence the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and a false case has been foisted against him on account of previous enmity. He would submit that the alleged incident is stated to have been taken place on 19.01.2021 and the petitioner has not absconded and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.



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4. The learned Government Advocate (criminal side) for the respondent would submit that the petitioner is a habitual offender and there was a quarrel between the defacto complainant and his brother. While so, the petitioner assuming that the defacto complainant had shouted him. Subsequently, the petitioner assaulted the defacto complainant with aruval resulting in him sustained injury in the hand. He would submit that the injured has been discharged from the hospital. However, there are seven previous cases against the petitioner. Hence, he opposed for grant of anticipatory bail to the petitioner/accused.

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

6. Considering the above facts and circumstances of the case and the submissions made by either side and that the alleged incident is said to have been taken place during the year 2021, 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



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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-II, Nagapattinam**, 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.

[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.

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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 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.

21.03.2023

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