



Crl.O.P.No.5644 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 alleged offences punishable under Sections 294(b), 323, 341 and 506(ii) of IPC, in Crime No. 124 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that due to previous enmity, on 21.02.2023, when the defacto complainant and his friends travelled in his two wheeler, at that time, the petitioner along with other accused abused and assaulted the defacto complainant. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner has four previous cases, for which, all the cases were registered during the relevant period in the year 2018 and thereafter the petitioner has no previous case against him. However, the petitioner is ready to abide by



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any stringent conditions that may imposed by this Court, hence, he prayed to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that, due to previous enmity, the petitioner assaulted the defacto complainant and his friends while he was travelling in his two wheeler. He further submit that there are four previous cases pending against the petitioner for the year 2018 and thereafter there is no previous case pending against him. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner and learned Government Advocate (Crl. Side) and perused the materials available on record.

6. Taking into consideration the facts of the case and also the submissions of the learned counsel on either side, 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, Uthukottai**, 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 twice everyday at 10.30 a.m, 6.30 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.



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[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.

15.03.2023

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