



Crl.O.P.No.6187 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.123 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that due to previous enmity, the petitioner along with other accused picked up a quarrel with the defacto complainant, during the quarrel, the petitioner along with other accused have abused and assaulted him with stick. Hence the case.

3.The learned counsel 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 even as per the prosecution, A1 and A3, who were stated to have assaulted the defacto complainant, have been arrested and granted bail by the lower Court. Hence, he seeks for anticipatory bail.



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4.The learned Government Advocate (Crl. Side) appearing for the respondent Police would submit that due to previous enmity, the petitioner along with other accused picked up a quarrel with the defacto complainant, during the quarrel, the petitioner along with other accused have abused and assaulted him with stick. He would further submit that the injured has been discharged from the hospital. He would also submit that the arrested accused in this case have been granted bail by the lower Court. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5.Taking into consideration the facts and submissions of the learned Counsel and also of the fact that the injured has been discharged from the hospital and the co-accused in this case have been granted bail by the lower Court, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6.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



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from the date on which the order copy made ready, before the learned Judicial Magistrate, Thirukazhukundram on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties 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;



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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;

vkr

29.03.2023



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