



Crl.O.P.No.6239 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, 324, 506(ii) of IPC @ 294(b), 323, 307 of IPC, in Crime No.40 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Sasidhar Naicka is that on 19.02.2023, due to previous enmity, the petitioner along with other accused have abused the defacto complainant with filthy language and attempted to murder him by way of attack and caused grievous injury to him by using knife and wooden log. Due to which, the defacto complainant was sustained grievous injury on his head, back and chest and he was admitted in the hospital on 20.02.2023. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. Due to



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previous enmity, the defacto complainant has given a false complaint against him. He would further submit that the petitioner will obey condition to be imposed by this Court. Hence, he seeks for anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) would submit that, due to previous enmity, the petitioner along with other accused have abused the defacto complainant with filthy language and also attempt to murder him. He further submit that the petitioner along with other accused caused grievous injury to the defacto complainant on his head, back and chest by using knife and wooden log. He further submit that the injured has been discharged from the hospital on 06.03.2023 and the investigation is in nascent stage. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel on both sides and perused the entire materials available on record including the First Information Report.



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6.Taking into consideration the facts of the case and the submissions

made by the learned counsel and also 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 District Munsif cum Judicial Magistrate, Denkanikottai, 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.



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[b] the petitioner shall report before the respondent police everyday at 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;

[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;

20.03.2023

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