



Crl.O.P.No.6490 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 147, 148, 341, 353, 307 and 506(2) of IPC, in Crime No.84 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 29.01.2023, when the respondent police attempted to arrest the accused persons in Crime No.83 of 2023, at that time, the petitioner along with other accused with an intention to cause death, unlawfully assembled with deadly weapon, abused him in filthy language, wrongfully restrained him and also assaulted him to deter him from discharging his official duty and thereby damaged a wall and threatened him with dire consequences. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and due to political enmity, a false complaint has been given by the defacto complainant against the petitioners. He further submit that some of the co-accused in this case were granted anticipatory bail



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in Crl.OP.No.5510 of 2023 dated 10.03.2023. 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 the date of occurrence, due to previous enmity, the petitioner along with other accused persons with an intention to cause death, unlawfully assembled with deadly weapons and wrongfully restrained him and also threatened him with dire consequences. He would further submit that the investigation is almost completed. However, he would vehemently opposed for grant of anticipatory bail to the petitioner.

5. Heard the learned counsel on either sides and perused the entire materials available on record.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel on either side and also the fact that some of the accused has been granted anticipatory bail, 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



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date on which the order copy made ready, before the learned Judicial Magistrate, Arani, 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 everyday 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;

[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



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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;

27.03.2023

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