



Crl.O.P.No.6502 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), 324, 506(ii) IPC altered into sections 294(b) and 307 IPC in Crime No.34 of 2023, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant, Irusappan, who is the Grade I Constable is that there was a wordy quarrel between the accused and a bus driver. During which, the defacto complainant had questioned the same, thereby, the accused have abused and assaulted the defacto complainant with stones. Originally the case was registered for the offence under Sections 294(b), 324 and 506(ii) of IPC and later, it was altered to Sections 294(b) and 307 of IPC. Hence the case.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to



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the petitioner.

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4. The learned Government Advocate (criminal side) for the respondent would submit that there was a wordy quarrel between the petitioner along with other accused and a bus driver. During which, the defacto complainant, who is the Grade I Constable had questioned the same, the petitioner along with other accused have abused and assaulted the defacto complainant with stones. He would further submit that there is no previous case pending against the petitioner and the injured has been discharged from the hospital. However, he opposed to grant anticipatory bail to the petitioner.

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

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned Counsel and the fact that the injured has been discharged from the hospital, this Court is inclined



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to grant anticipatory bail to the petitioner subject to the following 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 Judicial Magistrate-II, Mettur, Salem District**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand Only)** with two sureties, one among the surety shall be either father or mother of the petitioner, 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.

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[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.

[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.

27.03.2023

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