



Crl.O.P.No.6745 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest for the alleged offences under sections 147, 148, 294(b), 323, 324, 427, 506(ii) of IPC altered into one under Section 307 of IPC, in Crime No.147 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 02.04.2022 the *de-facto* complainant, Ajithmani, who is the Driver of the bus lodged a complaint stating that he and one Aravindan, conductor of the bus were proceedings towards Aimalai. During which, one of the accused has parked his auto on the road and quarrelled with one bike rider. When the conductor of the bus asked him to take the auto and give way to the bus, he called another four persons through phone and assaulted the conductor of the bus with iron rod and wooden logs and with the coir of the auto and they tried to strangle the conductor of the bus. Hence the case.



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3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, aged about 19 years and he has been falsely implicated in this case. He further submitted that the incident had happened only during the quarrel. He also submitted the main accused in this case, who is stated to have been assaulted the victim, has been granted anticipatory bail by this Court in Crl.O.P.No.11150 of 2022 vide order dated 12.05.2022. He also submitted that there is no previous case against the petitioner and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of anticipatory bail.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner along with others had assaulted the conductor of the bus with iron rod and wooden log, due to which, he sustained grievous injuries and admitted in the hospital. He also submitted that injured has been discharged from the hospital and the investigation in this case is still pending. He further submitted that no



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previous case is pending as against the petitioner. However, he opposed for granting anticipatory bail.

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

6. Considering the above facts and circumstances of the case, the submissions made by the learned counsel on either side and also considering the fact that the injured has been discharged from the hospital and also the main accused in this case has also been granted anticipatory bail by this Court, 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 Judicial Magistrate No.I, Nagapattinam**, on condition that the



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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 his Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent police, as and when required for interrogation;

[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



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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.

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