



Crl.O.P.No.6769 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), 448 323, 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 trespassed into the house of the defacto complainant, abused him in a filthy language and also assaulted him with wooden log, knife and hands. Hence the case.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and due to previous enmity, a false complaint has been given against him. He would further submit that the petitioner is ready to abide by any stringent condition that may be imposed by this 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 trespassed into the house of the defacto complainant, abused him in a filthy language and also assaulted him with wooden log, knife and hands. He would further submit that the injured has been discharged from the hospital on the same day. 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 on the same day, 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 from the date on which the order copy made ready, before the learned Judicial Magistrate No.I, Ulundurpet on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand



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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;

[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



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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;

29.03.2023

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