



Crl.O.P.No.7195 of 2023

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WEB CO **A.D.JAGADISH CHANDIRA, J.**

The petitioner, who apprehends arrest for the alleged offences under Sections 147, 148, 341, 294(b), 342, 323, 324 and 506(ii) of IPC in Crime No.63 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant/ Thulasiraj is that on 22.02.2023 around 6.00 p.m., when he and his frined Prabu went to Temple festival at Rasigoundanoor in a motorbike and from the opposite direction a car driven by one Ruban along with his friends dashed against the motorbike and when the same was questioned by him, the petitioner along with other accused abused him in filthy language and also attacked him by hands and stones and thereby sustained injuries to him. Hence the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and there was a wordy quarrel during the temple festival, due to which, the defacto complainant has given an



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exaggerated complaint against the petitioner. He would further submit that the petitioner along with co-accused had earlier approached this Court in Crl.O.P.No.5521 of 2023 and this Court was pleased to dismiss the anticipatory bail petition in respect of the petitioner on 10.03.2023. He would further submit that the petitioner was arrested in Crime No.64 of 2023 registered by the very same respondent Police and he was in custody, during such time, the respondent Police did not take any steps to formally arrest the petitioner in this case. He would further submit that the petitioner has been granted bail in Crime No.64 of 2023 and the petitioner is ready to abide by any stringent condition that may be imposed by this Court and also ready to furnish adequate sureties for his release on bail. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (crl.side) appearing for the respondent Police would submit that this Court taking into consideration that the petitioner was having eight previous cases, had dismissed the earlier application for anticipatory bail. However, he would concede that the petitioner was subsequently arrested in Crime No.64 of 2023 and the



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respondent has not taken any steps to formally arrest the petitioner in this case. However, he opposed for grant of anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner as well as the learned Government Advocate (crl.side) and perused the entire materials available on record.

6. Considering the above facts and circumstances of the case and the submissions made by the learned counsel on either side, 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.II, Sangakiri, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 daily 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]**;



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[f] If the accused thereafter absconds, a fresh FIR
can be registered under Section 229A IPC;

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