



Crl.O.P.No.7124 of 2023

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

The petitioner, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 289, 323, 324 & 506(ii) of IPC, in Crime No.21 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that due to civil dispute, there was a quarrel and during the quarrel, the accused had assaulted the defacto complainant with stone on the head and due to which, he had sustained injuries. Hence, the complaint.

3. The learned counsel for the petitioner would submit the petitioner and the defacto complainant are neighbours and due to civil dispute, there was a scuffle, in which, the defacto complainant sustained minor injuries, where as exaggerated complaint has been given. Hence, he prays to grant anticipatory bail to the petitioner.



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4. The learned Government Advocate (Criminal Side) would submit

that due to civil dispute, there was a quarrel and during the quarrel, the accused had assaulted the defacto complainant with stone on the head and due to which, he had sustained injuries. He would further submit that the injured has been discharged from the hospital. Hence, he vehemently opposed to grant 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 of the case and the submissions made by the learned counsel and also of the fact that the injured has been discharged from the hospital, 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



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Magistrate, Rasipuram, 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 stay at Salem and report before the Inspector of Police, Salem Town Police Station, everyday at 10.30 a.m., until further orders. It is made clear that the petitioner shall not enter into the respondent police jurisdiction limits for a period of four weeks;

[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;



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[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;

11.04.2023

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