



Crl.O.P.No.7471 of 2023

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A. D. JAGADISH CHANDIRA, J.

The petitioner who apprehends arrest for the alleged offence punishable under Sections 294(b), 341, 324, 506(ii) of IPC 1860, in Crime No.53 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that there was a wordy quarrel between the petitioner, co-accused and the *de facto* complainant's son and it is alleged that the petitioner along with A2 assaulted the *de facto* complainant's son on his head, due to which he sustained injury. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioner.



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4. The learned Government Advocate (Crl.side) would submit that there are totally two accused in this case and the petitioner is arrayed as A1. He further submitted that due to previous enmity, the petitioner and co-accused attacked the *de facto* complainant's son, causing an injury to his head and the injured person discharged from the hospital. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the submissions made by the both counsel, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the **learned Judicial Magistrate, Sankarapuram**, 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



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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 is directed to report before the respondent police every day at 10.30, a.m, for the period of two weeks and thereafter every Saturday 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners



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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.

05.04.2023

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