



Crl.O.P.No.7616 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 447, 294(b), 323, 324 and 506(ii) of IPC, in Crime No.2 of 2023, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant Ramesh Rajbhar is that on 02.01.2023 at about 8.00 p.m., when the de-facto complainant was on the way to the shop along with his friend, the petitioner along with his friend in an inebriated condition, had asked the cell phone for making a call. When the de-facto complainant had informed that there is no balance in the cell, the accused had abused the de-facto complainant with filthy language and assaulted him with stone, resulting him in sustaining injuries on the left eyebrow. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and and he has been falsely implicated in this case. He further submitted that the de-facto complainant and his friend have assaulted the petitioner with iron rod,



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due to which, the petitioner also sustained injuries on the head and on the complaint given by the petitioner, a case in Crime No.1 of 2023 has been registered by the respondent police against the de-facto complainant for the offences punishable under sections 294(b), 323, 324 and 506(ii) IPC. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that it is a case and a case in counter. He further submitted that on 02.01.2023 at about 8.00 p.m., when the de-facto complainant was on the way to the shop along with his friend, the petitioner along with his friend in an inebriated condition had asked the cell phone for making a call. When the de-facto complainant had informed that there is no balance in the cell, the accused had abused the de-facto complainant with filthy language and assaulted him with stone, resulting him in sustaining injuries on the left eyebrow. He also submitted that the injured has been discharged from the hospital. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard both sides and perused the entire materials available on record.



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6. Taking into consideration the facts and circumstances of the case and the submissions made by the counsel on either sides and also the fact that the injured has been discharged from the hospital and it is a case in counter, 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 District Munsif-cum-Judicial Magistrate, Gummidipondi, Thiruvallur District**, on condition that **the 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



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their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent Police on every Saturday at 06.30 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]**;

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

11.04.2023

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