



Crl.O.P.No.7998 of 2023

Crl.O.P.No.7998 of 2023

A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 341, 307 and 506(ii) of IPC, in Crime No.117 of 2023, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Jaganathan is that the accused were consuming alcohol inside the temple and when it was questioned by the defacto complainant, the accused have abused in filthy language and stabbed him on his head, due to which, he sustained injury. Hence, the complaint.

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 further submit that the main accused A1 has been arrested and enlarged on bail by this Court in Crl.OP.No.6082 of 2023 dated 16.03.2023. Hence, he seeks for grant of anticipatory bail to the petitioner.



Crl.O.P.No.7998 of 2023

4. The learned Government Advocate (Crl.Side) appearing for the respondent Police would submit that the petitioner along with other accused were consuming liquor inside the temple and when it was questioned by the defacto complainant, the petitioner abused and attacked him on his head and caused injury to him. He further submit that the injured has been discharged from the hospital. Hence, he would vehemently opposed for grant of 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 and circumstances of the case, the submissions made on both sides and also taking note 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 **Judicial Magistrate Court No.II, Salem**, on condition that the petitioner shall execute a bond for a



Crl.O.P.No.7998 of 2023

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

[b] the petitioner shall report before the respondent police everyday 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 by the learned Magistrate/Trial Court himself as laid down by the



WEB COPY



Crl.O.P.No.7998 of 2023

A.D.JAGADISH CHANDIRA, J.

drl

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.

17.04.2023

drl

Crl.O.P.No.7998 of 2023