



Crl.OP.No.8941 of 2023

S.SOUNTHAR, J

WEB COPY

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 324, 506(ii) of IPC in Crime No.144 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant's friend Arumugam invited his birthday function. The defacto complainant and his friends were participated in the function and after that they were returned to their house through By-pass road in a bike. At that time, the defacto complainant's friend told him that his phone was fell down some where else and the defacto complainant's mobile phone also switched off. Thereafter, they stopped their bike near Delux Steel Shop, wherein, there were four persons in the said shop and asked them about the charger. In this connection, there was a wordy quarrel and exchange of blows between them and also abused in filthy language and assaulted with iron rods. Due to which, the defacto complainant had sustained injury. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the



petitioner is an innocent and he has not committed any such offence as alleged by the prosecution. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that there was a wordy quarrel between the petitioner's group and the defacto complainant's group, due to which, the defacto complainant had sustained injuries. However, he would admit that the injured was discharged from the hospital and it is a case and case in counter. Hence, he would vehemently oppose to grant anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) and perused the materials available on record.

6. Having regard to the allegations made against petitioner and also the fact that the injured was discharged from the hospital and it is a case and case in counter, this Court is inclined to grant anticipatory bail with certain conditions.



WEB COPY

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, Ambur*** 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 their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police every day at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation.

[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.

04.05.2023

Vv



WEB COPY



Crl.OP.No.8941 of 2---

S.SOUNTHAR, J

Vv

Crl.OP.No.8941 of 2023

04.05.2023