



Crl.O.P.No.9405 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 alleged offences punishable under Sections 324, 341 and 379 @ under Sections 324, 341 & 397 of IPC in Crime No. 137 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Narayanan is that, the accused along with other accused persons have waylaid him and assaulted him with iron rod and also robbed a sum of Rs.20,000/- from him. Hence, the case,

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and a false complaint has been given against him. He would further submit that the very reading of the FIR shows that the accused and the defacto complainant are known to each other. He would further submit that due to internal dispute, a false complaint has been given. He would further submitted that the main accused have been arrested and enlarged on bail and the petitioners have been implicated only based on the confession recorded from the main



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accused and the petitioner has no previous case against him. Hence, he prayed to grant anticipatory bail to the petitioner .

4. The learned Government Advocate (Crl. Side) would submit that the accused along with other accused persons have waylaid the defacto complainant and assaulted him with iron rod and also robbed a sum of Rs.20,000/- from him. He further submit that the injured has been discharged from the hospital and the petitioner has no previous pending against him. However, he vehemently opposed to grant anticipatory bail to the petitioner.

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

6. Taking into consideration the facts and circumstances of the case and also 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.



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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, Cheyyar**, 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 report before the respondent Police Station, 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



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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.

05.06.2023

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