



Crl.O.P.No.9458 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 294(b), 324 and 506(ii) of IPC in Crime No. 49 of 2023, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that on 18.04.2023, due to previous enmity, there was a wordy quarrel between the petitioner and the defacto complainant, for which, the petitioner abused and attacked him with iron rod causing injuries to him. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent persons and due to previous enmity, he has been falsely implicated in this case and he has not committed any such offence as alleged by the prosecution. He further submit that the petitioner is ready to abide any condition that may be imposed by this Court and 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 the petitioner and the defacto complainant are relatives. Due to previous enmity there was a wordy quarrel between them, for which, the petitioner attacked the defacto complainant with iron rod causing head injuries to him. He further submit that the injured has been discharged from the hospital. 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 of the case and the submissions made by the learned counsel and also taking note of the fact that the injured has been discharged from the hospital, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the



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learned Judicial Magistrate No.I, Udumalpet, on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties 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 stay at Virudhunagar and report before the Virudhunagar East 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 appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the



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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.

27.04.2023

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