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Crl.O.P.No.10162 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 294(b), 323, 324, 307 and 506(ii) IPC**, in Crime No.100 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Palani is that on account of previous enmity regarding a dispute arose during a temple festival, on 12.04.2023, the petitioner along with other accused, abused the defacto complainant with filthy language and attempted to attack him with knife during which, one Arunkumar, the friend of the defacto complainant sustained injuries. When the defacto complainant raised alarm, the public gathered and attempted to catch the accused during which, the petitioner threatened the public by showing knife. Hence the complaint.



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3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and a false case has been foisted on account of previous enmity. In fact, the petitioner was attacked by the defacto complainant and his party due to which, the petitioner's wife had given a complaint against the defacto complainant and others and the same was registered in Crime No.101 of 2023. Hence he prayed to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) opposed for grant of anticipatory bail to the petitioner stating that due to previous enmity, the petitioner along with other accused abused and attempted to assault the defacto complainant with knife during which, the friend of the defacto complainant sustained injuries. He further submitted that the petitioner has got 8 previous cases.

5. At this juncture, the learned counsel for the petitioner would submit that it is true that the petitioner has got 8 previous cases. However, a reading of the FIR would go to show that the case has been foisted for the purpose of detaining the petitioner under Act 14.



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

7. Taking note of the facts and circumstances of the case and the submissions made by the learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. 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 No.V, Vellore, Vellore District**, 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:



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[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 07.30 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].



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

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