



Crl.O.P.No.10006 of 2023

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S.SOUNTHAR, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 324 and 379 (NP) of I.P.C. in Crime No.161 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and other accused persons attacked the de-facto complainant with beer bottle on his head, thereby he sustained injury. They have also stolen the purse and cell phone of the de-facto complainant and escaped from the place. Hence, a case has been registered against the petitioner and other accused.

3. The learned counsel for the petitioner submitted that the petitioner has not involved in the above said offence, he has been falsely implicated in this case. However, without prejudice to his rights and contentions, the petitioner is willing to deposit a sum of Rs.3,500/- to the credit of Crime No.161 of 2023 on the file of learned Judicial Magistrate No.II, Coimbatore. Therefore, he prayed for grant of anticipatory bail to the petitioner.



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4. The learned Government Advocate (Criminal Side) appearing for the respondent Police would submit that the petitioner and other accused had attacked the de-facto complainant with beer bottle on his head and stolen the purse and cell phone. Therefore, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Having regard to the nature of allegations made against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to deposit a sum of **Rs.3,500/- (Rupees Three thousand and Five hundred only) to the credit of Crime No.161 of 2023** on the file of learned Judicial Magistrate No.II, Coimbatore, without prejudice to his rights and contentions before the trial Court, on such deposit and production of proof, 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.II, Coimbatore,**



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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 everyday at 10.30 a.m., for a period of two weeks and thereafter, report before the respondent police 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.



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[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 abscond, a fresh FIR can be registered under Section 229A IPC.

04.05.2023

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