



Crl.O.P.No.10592 of 2023

Crl.O.P.No.10592 of 2023

WEB COPY

K.KUMARESH BABU, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 379, 294(b), 323 and 506(ii) of IPC, in Crime No.120 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and the defacto complainant are neighbours. The defacto complainant's goats were stolen by some unknown persons. When the defacto complainant questioned the the same to the petitioner, there arose a wordy quarrel between the petitioner and the defacto complainant, due to which, the petitioner attacked the defacto complainant. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioner.



Crl.O.P.No.10592 of 2023

WEB COPY

4. The learned Government Advocate (Crl.side) would submit that due to previous enmity, there was wordy quarrel between the petitioner and the defacto complainant. He further submitted that no injury is caused to the defacto complainant. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the above fact and circumstances of the case and also taking note of the fact that the petitioner has caused no injury to the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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, Salem 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



CrI.O.P.No.10592 of 2023

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 daily at 10.30 a.m. for a period of two 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]**.

K.KUMARESH BABU, J.



WEB COPY



CrI.O.P.No.10592 of 2023

mn

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

17.05.2023

mn/Lpp

CrI.O.P.No.10592 of 2023