



Crl.O.P.No.10718 of 2023

Crl.O.P.No.10718 of 2023

WEB COPY

K.GOVINDARAJAN THILAKAVADI, J.,

The petitioner, who apprehends arrest for the alleged offences under sections 294(b), 324 and 506(ii) of IPC, in Crime No.84 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 13.04.2023 at about 1.00 P.M., the petitioner and three others were consuming alcohol. The defacto complainant questioned the above acts, for which the petitioner and 3 others abused the defacto complainant in filthy language and the first accused hit defacto complainant by hand using his kaapu on mouth as a result his teeth was broken and one Subash hit the defacto complainant on fact and neck by stone. The petitioner hit the defacto complainant attacked him on the back of his head by glass due which he sustained injury. Hence the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely



Crl.O.P.No.10718 of 2023

implicated in this case. He further submitted that the petitioner is no way connected with the alleged offence. He also submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. **He further submitted that the petitioner moved anticipatory bail application before the learned Principal Sessions Court, Namakkal, in Crime No.766 of 2023 and the same was dismissed on 27.04.2023.** Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that **due to ulterior motive between the petitioner and the defacto complainant and hence, the petitioner attacked the defacto complainant.** He also submitted that the injured has been discharged from the hospital, however, he opposed for granting anticipatory bail to the petitioner.



Crl.O.P.No.10718 of 2023

WEB COPY

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

6. Taking into consideration the facts and the submissions and that the petitioner is ready and willing to deposit some amount to the credit of Crime No.84 of 2023, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is directed to deposit a sum of **Rs.5,000/- (Rupees Five Thousand Only) to the credit of crime No. 84 of 2023 within a period of three weeks from the date on which the order copy made ready**, and on such deposit the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned **Judicial Magistrate, Rasipuram**, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) **with two sureties**, each for a like sum to the satisfaction of the respondent police or the police officer who intends to



Crl.O.P.No.10718 of 2023

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 deposit a sum of Rs.5,000/- (Rupees Five thousand Only) to the credit of Crime No.84 of 2023 within a period of three weeks from the date on which the order copy made ready and the victim is permitted to withdraw this amount.

[c] the final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of trial;

[d] the petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation;

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] the petitioner shall not abscond either during investigation or trial.



CrI.O.P.No.10718 of 2023

WEB COPY

[g] 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]**.

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

10.05.2023

dna/vum



WEB COPY



Crl.O.P.No.10718 of 2023

K.GOVINDARAJAN THILAKAVADI, J.,

dna/vum

Crl.O.P.No.10718 of 2023

10.05.2023