



Crl.O.P.No.10873 of 2023

Crl.O.P.No.10873 of 2023

WEB CO **A.D.JAGADISH CHANDIRA, J.**

The petitioner, who apprehends arrest for the alleged offences under Sections 294(b), 323, 324 and 506(ii) of IPC in Crime No.92 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the accused, in an inebriated condition, had celebrated their friend's birthday near the defacto complainant's house and when it was questioned by the defacto complainant, the accused have abused and assaulted the defacto complainant and his wife with wooden log and also threatened them. Hence the case.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that during the quarrel, the incident had happened. He would also submit that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of anticipatory bail to the petitioner.



Crl.O.P.No.10873 of 2023

WEB COPY

4. The learned Government Advocate (crl.side) appearing for the respondent Police would submit that the petitioner along with other accused, in an inebriated condition, had abused the defacto complainant and his wife in a filthy language, assaulted them with wooden log. He would further submit that the injured have been discharged from the hospital. He would also submit that no previous case is pending against the petitioner. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner as well as the learned Government Advocate (crl.side) and perused the entire materials available on record.

6. Taking into consideration the facts of the case and the submissions made by the learned counsel on either side and also taking note of the fact that the injured have been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



7. 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.I, Vellore, 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 daily 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;



Crl.O.P.No.10873 of 2023

[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 absconds, a fresh FIR can be registered under Section 229A IPC;

05.06.2023

vkx



WEB COPY



Crl.O.P.No.10873 of 2023

A.D.JAGADISH CHANDIRA, J.

vkr

Crl.O.P.No.10873 of 2023

05.06.2023