



Crl.O.P.No.11187 of 2023

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WEB CO **K.KUMARESH BABU, J.**

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 352 and 506(ii) of IPC, in Crime No.161 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that during temple festival at Sri Kaliammal Temple, the petitioner was in an inebriated state and there was a wordy quarrel between the parties, as a result of which, the petitioner along with other accused person is said to have assaulted the defacto complainant. 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. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that A1 was arrested and released on bail. He further submitted that there



Crl.O.P.No.11187 of 2023

is no previous case against the petitioner. However, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the above fact and circumstances of the case, 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 is made ready, before the learned **Judicial Magistrate, Thiruthuraipoondi**, 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



Crl.O.P.No.11187 of 2023

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]**.

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

17.05.2023

dna/rka



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Crl.O.P.No.11187 of 2023

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Crl.O.P.No.11187 of 2023

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