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Crl.O.P.No.11872 of 2023

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V.LAKSHMINARAYANAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 427, 352 and 506(ii) IPC, in Crime No.155 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that on 18.02.2023, when the defacto complainant enquired the accused about the cycle theft, due to which wordy quarrel arose between them, as a result of which, the petitioner along with other accused have attacked the defacto complainant and also caused damage to the defacto complainant's two wheeler. Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and a false case has been foisted against him for statistical purpose. Hence, he prayed for grant of anticipatory bail to the petitioner.



Crl.O.P.No.11872 of 2023

WEB COPY

4. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that due to wordy quarrel between the defacto complainant and the petitioner, the petitioner attacked the defacto complainant and also caused damage to his two wheeler. He would further submit that the injured has been discharged from the hospital. However, he opposed for grant of anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and also the fact that the injured has 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.1, Mayiladuthurai, Mayiladuthurai District** on condition that the petitioner shall execute a bond for a sum of



Crl.O.P.No.11872 of 2023

WEB COPY

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.

[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].



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Crl.O.P.No.11872 of 2023

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

26.05.2023

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Crl.O.P.No.11872 of 2023