



Crl.O.P.No.11969 of 2023

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V.LAKSHMINARAYANAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 341, 323, 324, 294(b) and 506(ii) of I.P.C., in Crime No.203 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on the petitioner / 2nd accused along with other accused had engaged in a body scuffle with defacto complainant after having questioned about their presence in the incident spot by the defacto complainant and his friends, who were in drunken mode and based on a pretentious belied that the accused were teasing a road shop individual. Hence, the complaint.

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 there is a case and case in counter. He



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would submit that the petitioner is ready to cooperate with the investigation and also abide by any condition imposed by this court. Hence, he prayed to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent raised objection stating that the physical altercation has taken place, a case and case in counter has been registered by the respondent police and the injured person was discharged from the hospital. He would further submit if they are granted anticipatory bail, they will tamper the witnesses and hamper the investigation. Therefore, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the above facts and circumstances of the case, and considering the fact that the investigation is almost completed and the fact that injured discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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6. Accordingly, the petitioner / 2nd accused 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, Madhavaram, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties 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 appear before the respondent police everyday 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.



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[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.

26.05.2023

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