



Crl.O.P.No.12692 of 2023

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A.D.JAGADISH CHANDIRA,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323, 324, 506(ii) of IPC and Section 4 of Women Harassment Act, in Crime No. 170 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that, on account of dispute regarding caring of street dogs, there was a wordy quarrel arose between the petitioner and the defacto complainant and during the quarrel, the petitioner have assaulted the defacto complainant with iron rod, due to which, the defacto complainant sustained injuries. 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 further submit that the defacto complainant is an aggressor and he had assaulted the petitioner and a false complaint has been given



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against him. He would further submit that on the complaint given by the petitioner, a counter case in Crime No.177 of 2023 has been registered by the respondent police for the offence under Sections 447, 294(b), 323, 506(i) of IPC and Section 3 of PPDL Act. It is a fact that the defacto complainant has also caused damaged the articles belonging to the defacto complainant. Therefore, he prays to grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) would submit that the petitioner had assaulted the defacto complainant for caring of street dogs, on account of which, there arose a wordy quarrel between them, in which, he sustained injuries. He further submitted that the injured has been discharged from the hospital. However, he vehemently opposed to grant anticipatory bail to the petitioner.

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



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6. Considering the above fact and circumstances of the case and also considering the fact that the victim 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.II, Tiruvallur**, 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.



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[b] the petitioner shall appear before the respondent police everyday at 6.30 p.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]**.

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

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The matter is listed today under the caption “for being mentioned”.

2. Pointing out the condition imposed by this court in clause (b) of the paragraph 7 of the order dated 12.6.2023 granting anticipatory bail, the learned counsel appearing for the petitioner submitted that the appearance of the respondent may be modified as "**Vandavasi Police Station**" instead of respondent police.

3. In view of the submission of the learned counsel appearing for the petitioner, the said clause is modified as sought for.

28.06.2023

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**Note : Registry is directed to issue
a fresh order copy.**



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