



Crl.O.P.No.13054 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 offences punishable under Sections 147, 148, 294(b), 324, 506(ii) of IPC and Section 3 of TNPPDL Act 1992 in Crime No.196 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that due to previous enmity regarding catching of fish and its tender, the petitioner along with other accused had waylaid the defacto complainant and his family members, abused them in filthy language and also assaulted the defacto complainant with iron rod. Due to which, he sustained injuries. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and due to previous enmity, a false complaint has been given against him. He would further submit that the injured has been discharged from the hospital. He would also submit that



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the co-accused in this case have already been granted bail by this Court in Crl.O.P.No.25067 of 2022 on 17.10.2022. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that due to previous enmity regarding catchment of fish and its tender, the petitioner along with other accused had waylaid the defacto complainant and his family members, abused them in filthy language and also assaulted the defacto complainant with iron rod. He would further submit that the injured has been discharged from the hospital. Hence, 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 for the respondent and perused the entire materials available on record.

6. Taking into consideration of the facts and circumstances of



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the case, the submissions made by the learned counsel on either side and that the co-accused in this case have already been granted anticipatory bail by this Court, 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, Walajah**, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 report 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.

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

13.06.2023

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