



Crl.O.P.No.13165 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 294(b) and 506(ii) of IPC in Crime No.1211 of 2020, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant/Arumugam is that the petitioner in an inebriated condition had picked up a quarrel with the defacto complainant, during the quarrel, the petitioner had abused him in filthy language and also intimidated him. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that it is the case of the year 2020, and he has been falsely implicated in this case. Therefore, he prays for grant of anticipatory bail to the petitioner.



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4.The learned Government Advocate (CrI.Side) would submit that the petitioner in an inebriated condition had picked up a quarrel with the defacto complainant, during the quarrel, the petitioner had abused him in filthy language and also intimidated him. He would further submit that the injured has been discharged from the hospital. He further submit that the investigation has been completed and also filed final report and it is yet to be taken on file. Therefore, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the above facts and circumstances of the case and also of 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.

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 made ready, before the **learned Judicial Magistrate, Sankarapuram** on condition that the petitioner



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shall execute a bond for sum of **Rs.5,000/- (Rupees 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 his Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the learned Judicial Magistrate, Sankarapuram on all working days at 10.30 a.m, for a period of one week and thereafter on the date fixed by the learned Magistrate.

[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



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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.

15.06.2023

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