



Crl.O.P.No.13284 of 2023

Crl.O.P.No.13284 of 2023

WEB COPY

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, 326, 506(ii) of IPC in Crime No.82 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that on 19.03.2023 while the defacto complainant was in his land, the accused had grazed their cows in his land and when the defacto complainant raised a question with regard to the same, the petitioner along with other accused assaulted the defacto complainant. Hence the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that he has not committed any offence as alleged by the prosecution. He would also submit that the petitioner is no way connected with the alleged offence. Hence, he prayed for the grant of anticipatory bail to the petitioner.



Crl.O.P.No.13284 of 2023

WEB COPY

4. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that the petitioner along with other accused, assaulted the defacto complainant. He would further submit that the injured has been discharged from the hospital. However, he vehemently opposed to grant anticipatory bail to the petitioner.

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

6. Taking into consideration the facts and circumstances of the case, 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, Attur** on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)**



Crl.O.P.No.13284 of 2023

WEB COPY

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/trial Court 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 every day at 10.30 a.m., for a period of two weeks and thereafter every Saturday at 10.30 am., 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;



CrI.O.P.No.13284 of 2023

[e] 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, as laid down by the Hon'ble Supreme Court in *P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]*; and;

[f] if the petitioner herein thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

8. Accordingly, the Criminal Original Petition is ordered.

23.06.2023

mfa

A.D.JAGADISH CHANDIRA, J.



WEB COPY



Crl.O.P.No.13284 of 2023

mfa

Crl.O.P.No.13284 of 2023

23.06.2023