



Crl.O.P.No.13871 of 2023

petitioner is an innocent person and he has been falsely implicated in this case.

He further submitted that due to previous enmity, a false complaint has been given against the petitioner. He further submitted that he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that when the defacto complainant and his brother were playing cricket, the petitioner along with other accused quarreled with each other, at that time, the defacto complainant tried to intervene the quarrel, for which, the petitioner assaulted the defacto complainant with beer bottle and thereby causing injuries to him. He further submitted that the petitioner has no previous case pending against him, however, he opposed for granting anticipatory bail to the petitioner.

5. Heard the learned counsel on both sides and perused the entire materials available on record including the First Information Report.



Crl.O.P.No.13871 of 2023

6. Taking into consideration the facts of the case and the submissions

made by the learned counsel on either side and also 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.

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, Salem, 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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Crl.O.P.No.13871 of 2023

[b] the petitioner shall report the respondent Police Station 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 absconds, a fresh FIR can be registered under Section 229A IPC;

28.06.2023

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Crl.O.P.No.13871 of 2023

A.D.JAGADISH CHANDIRA. J.

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Crl.O.P.No.13871 of 2023

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