



Crl.O.P.No.14384 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 and 506(ii) of IPC @ 294(b), 323, 324, 307 & 506(ii) of IPC in Crime No.165 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant/Sakthivel is that, on 11.06.2023 around 11.00 p.m, when the defacto complainant after finishing the village festival called the first petitioner through phone and they both were chatting near BDO Office, at that time, the petitioner along with other accused abused the defacto complainant and also assaulted him with knife, and thereby causing injuries to him. Hence the case.

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.



Crl.O.P.No.14384 of 2023

He further submitted that the allegations are attributed only against A1 and as per this petitioner is concerned, he is present at the scene of occurrence. 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 there are totally three accused in this case and the petitioner herein is arrayed as A3. He further submitted that the first petitioner had abused the defacto complainant with filthy language and also assaulted him with knife and the other petitioners are present at the scene of occurrence. 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.



CrI.O.P.No.14384 of 2023

6. Taking into consideration the facts of the case and the submissions made by the learned counsel on either side, 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, Vellore, Vellore District, 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.

[b] the petitioner shall report before the respondent Police Station everyday at 10.30 a.m, for a



Crl.O.P.No.14384 of 2023

period of four weeks and thereafter on every Saturday 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.14384 of 2023

A.D.JAGADISH CHANDIRA. J.

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Crl.O.P.No.14384 of 2023

28.06.2023