



Crl.O.P.No.15021 of 2023

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WEB CO **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), 324, 506(ii) of IPC, in Crime No.375 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that due to previous enmity, the petitioner along with other accused had attacked the defacto complainant and also abused him in a filthy language. Hence the complaint.

3.The learned counsel for the petitioner submitted that this is the second application for anticipatory bail filed by the petitioner and the earlier application in Crl.O.P.No.28529 of 2022 was dismissed in respect of the petitioner on 21.11.2022. He further submitted that despite the dismissal of the earlier application on 21.11.2022, the respondent have not taken any steps to arrest the petitioner. He further submitted that it is a case and a case in counter in respect of neighbours. He also submitted that when the earlier application was argued, it was submitted that there are three previous cases



of similar nature pending against him and all those previous cases are relating to the year 2020. He also submitted that in the counter case, the other accused have been granted anticipatory bail. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate appearing for the respondent Police submitted that the earlier application for anticipatory bail was dismissed by this Court on 21.11.2022 in respect of the petitioner on the ground that the petitioner has got three previous cases of similar nature. He also submitted that all the previous cases are relating to the year 2020. However, 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 and perused the entire materials available on record.

6. Taking into consideration the facts of the case and the submissions made by the learned counsel on either side and that all the previous cases are relating to the year 2020, this Court is inclined to grant anticipatory bail to the petitioner.

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, Paramathy, on condition that the petitioner shall execute a bond for a sum of Rs.15,000/- (Rupees Fifteen 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 daily 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



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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;

17.07.2023

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