



Crl.O.P.No.17298 of 2023

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RMT.TEEKAA RAMAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 294(b), 323, 324 and 506(ii) of IPC @ 147, 148, 294(b), 323, 324, 506(ii) and 379 of IPC, in Crime No.356 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the accused waylaid the defacto complainant and his friend, abused and assaulted them with wooden log, since the defacto complainant had interfered against the illegal mining activities of the accused. Hence the case.

3. The learned Counsel for the petitioner would submit that the petitioner is an innocent person and due to previous enmity, he has been falsely implicated in this case. He would further submit that the name of the petitioner does not find place in the FIR and it is a case and a case in counter in Crime No.357 of 2023. Hence, he prayed for grant of anticipatory bail to the petitioner.



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4. The learned Government Advocate (Criminal Side) for the respondent would submit that the defacto complainant questioned the illegal mining activities of the accused, the petitioner along with other accused waylaid the defacto complainant and his friend, abused and assaulted them with wooden. He would further submit that it is a case and a case in counter and the injured has been discharged from the hospital. However, he opposed for grant of 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 and the submissions made by the learned counsel on either side 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.



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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, Udumalpet**, 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, everyday at 10.30 a.m., for a period of three weeks;**

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.



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Crl.O.P.No.17298 of 2023

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

08.08.2023

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Crl.O.P.No.17298 of 2023

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