



Crl.O.P.No.17557 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 offences punishable under Sections 147, 148, 341, 294(b) and 307 of IPC in Crime No.92 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that due to previous enmity, the petitioner along with two other accused waylaid the defacto complainant, abused him in filthy language and attacked him with knife and beer bottle. Hence the case.

3.The learned counsel for the petitioner would submit that this is the 4th application for anticipatory bail. The earlier application for anticipatory bail in Crl.OP.No.14859 of 2023 was dismissed on 10.07.2023 on the ground that the petitioner was a habitual offender against whom, two previous cases are pending. He would further submit that the previous cases are of the year 2016 and 2018 and except those two previous cases, no other case is pending against the petitioner. He



Crl.O.P.No.17557 of 2023

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would further submit that the previous cases which were registered during the year 2016 and 2018 are pending trial of those cases, the respondent had summoned the petitioner and since the petitioner did not appear before him, a false case has been registered against him. Pursuant to which, the petitioner is now declared as history sheeter and as per FIR, the petitioner is stated to have assaulted the defacto complainant with the beer bottle, due to which, he had suffered injury on the wrist, however, the corresponding medical records shows that there was no injury on the left wrist. He would further submit that only to enlist the petitioner as a history sheeter, a false complaint has been given and the petitioner has got strong roots in the society and he is leading a peaceful life and his wife is a medical Doctor by profession.

4. The learned counsel for the petitioner would further submit that the petitioner after 2018, has not involved in any cases and he was leading a peaceful life and that on 05.02.2020, he had married one Sathya, who is a medical Doctor by profession. He also submit that the petitioner's wife has strong roots in the society and the one of the close relatives is ready and willing to stand as surety to him. Thereby, he



Crl.O.P.No.17557 of 2023

WEB COPY

would seek for anticipatory bail.

5. The learned Government Advocate (Crl.Side) would submit that earlier application for anticipatory bail was dismissed on 10.07.2023. He would further submit that subsequent to the registration of this case only, the petitioner has been enlisted as a History Sheeter No.417 of 2023 on the file of the respondent. Hence, he would vehemently oppose for grant of anticipatory bail.

6. Heard both sides and perused the materials available on record.

7. Taking into consideration the facts of the case and the submissions of the learned Counsel for the parties, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. 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 Sendamangalam, Namakkal 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



CrI.O.P.No.17557 of 2023

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 stay at Chennai and report before the Inspector of police, Flower Bazaar Police Station, Chennai everyday at 10:30 a.m until further orders, except on the dates of Court hearing before the trial Court at Namakkal District in respect of other previous cases pending against him.

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

[d] the petitioner shall not abscond either



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CrI.O.P.No.17557 of 2023

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;

08.08.2023

Vv

A.D.JAGADISH CHANDIRA, J.

5/6



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Crl.O.P.No.17557 of 2023

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Crl.O.P.No.17557 of 2023

08.08.2023