



Crl.O.P.No.17773 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), 324 & 506(ii) of I.P.C, in Crime No. 186 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that due to wordy quarrel arose between the petitioner and the defacto complainant, on 02.07.2023 at about 4.45 p.m, near Mariamman Temple, the petitioner waylaid the defacto complainant and abused him in filthy language and assaulted him with stone on his head and thereby caused injuries to the defacto complainant. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that the injured has been discharged from Hospital and a counter case has also been lodged



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against the defacto complainant. He would further submit that the petitioner is ready to abide by any condition imposed by this Court.

Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that due to previous enmity in respect of wordy quarrel arose between them, the petitioner waylaid the defacto complainant and abused him in filthy language and assaulted him with stone on his head and thereby the defacto complained sustained head injury. He would further submit that the petitioner is also lodged a counter case against the defacto complainant in Crime No.185 of 2023 before the respondent police and now the injured has been discharged from the hospital. However, he opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration of 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.



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6. 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, Mettur, Salem District**, on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five 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., for a period of four weeks and thereafter, as and when required for interrogation.

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



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[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.

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