



Crl.O.P.No.17766 of 2023

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RMT.TEEKAA RAMAN, J.

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323 & 506(i) of IPC in Crime No.39 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that on 24.02.2023, as called upon by the petitioner, the defacto complainant had come to the bus stop and at that time, the petitioner along with other accused had abused him with regard to the illegal transportation of the sand and assaulted him in which the defacto complainant had sustained injury and taken to hospital and hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner and the defacto complainant were well known to each other and there is a previous enmity between them with regard to the tractor and on the said day of occurrence there was a wordy quarrel between the petitioner and the defacto complainant, which ended in the physical attack and the co-accused have been enlarged on bail vide orders made in



Crl.M.P.No.1778 of 2023 dated 06.06.2023 and Crl.M.P.No.2784 of 2023 dated 11.07.2023. He further submitted that the injured has been discharged and the petitioner is an innocent person and he has been falsely implicated in this case. Therefore, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) appearing for the respondent Police would submit that due to previous enmity, petitioner and two other accused have assaulted the defacto complainant and the other two accused have been enlarged on bail. He further submitted that there is no previous case against this petitioner, however, he vehemently opposed for grant of anticipatory bail to the petitioner.

5.Taking into consideration the facts and submissions of the learned Counsel and also the fact that two other accused have been enlarged on bail vide orders made in Crl.M.P.No.1778 of 2023 dated 06.06.2023 and Crl.M.P.No.2784 of 2023 dated 11.07.2023 and also that the injured has been discharged, this Court is inclined to grant anticipatory bail to the petitioner subject to 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, Katpadi, 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 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., till the case is taken up on file by the concerned Magistrate.**

[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;

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[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

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