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Crl.O.P.No.17770 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 341, 294(b), 324 & 307 of IPC, in Crime No.149 of 2022, on the file of the respondent, seeks anticipatory bail.

2. The case of the prosecution is that on 02.10.2022, there was wordy quarrel between the A1 and the defacto complainant's friend one Chandru and in continuation of the same, the defacto complainant and his friend Chandru have been called by the petitioner and other accused to solve the issues and when the defacto complainant and his friend Chandru came to them, the petitioner and other accused had joined together and assaulted the defacto complainant and his friend brutally and caused injuries. Hence, the case.



Crl.O.P.No.17770 of 2023

WEB COPY

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that due to previous enmity between the petitioner and the defacto complainant, a false case has been foisted. He would further submit that a counter case has also been filed against the defacto complainant in Crime No.150 of 2022 and the injured has been discharged from the hospital. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) for the respondent police would submit there are totally three accused in this case in which, the petitioner is arrayed as A3. He would further submit that due to previous enmity between the parties, a wordy quarrel arose, due to which, the petitioner along with other accused abused the defacto complainant and his friend and assaulted thereby caused injuries to the defacto complainant's friend. He would further submit that A1 in this case was already granted bail by this Court in Crl.O.P.No.26461 of 2022 vide order dated 01.11.2022 and A2 was granted anticipatory bail by this



Crl.O.P.No.17770 of 2023

WEB COPY

Court in Crl.O.P.No.30693 of 2022 vide order dated 15.12.2022. He would further submit that the injured has been discharged from the Hospital. However, he opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration the facts and circumstances, and also taking note of the fact that the co-accused in this case have been granted bail by this Court and now the injured has been discharged from the Hospital, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6. Accordingly, the petitioner is directed to be released on bail in the event of their arrest or on his appearance, within a period of fifteen days from the date on which the order copy is made ready, before the **learned Judicial Magistrate Gudiyatham, Vellore District**, on condition that the petitioner shall execute a separate 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



CrI.O.P.No.17770 of 2023

WEB COM

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 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.

[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



Crl.O.P.No.17770 of 2023

WEB COPY of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

11.08.2023

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WEB COPY



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