



Crl.O.P.No.17992 of 2023

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WEB C.V.SIVAGNANAM, J.

The Petitioner, 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.102 of 2023 on the file of the Respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the Petitioner scolded the defacto complainant through phone call on 22.04.2023. The next day, the Petitioner and Co-accused were standing in the Valayapatti bus stop, at that time, the defacto complainant was on the same spot. The Petitioner used filthy language and quarreled with the defacto complainant stating that he should not financially help the Petitioner's parents and assaulted him with beer bottle and caused injuries. Hence the complaint.

3.The learned Counsel for the Petitioner would submit that, the Petitioner had preferred an Anticipatory Bail before the Principal District Court at Namakkal in Crl.MP.No. 845 of 2023 and the same was allowed on 18.05.2023, directing the petitioners to surrender before the Judicial Magistrate No.2, Namakkal, within 15 days. The Petitioner did not comply with the said order and therefore, the Anticipatory Bail was cancelled. Hence, the learned counsel for the Petitioner prays for grant of anticipatory bail to the Petitioner



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before the this Court.

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4.The learned Government Advocate (Criminal Side) for the Respondent vehemently opposed to grant anticipatory bail to the Petitioner.

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

6.Taking into consideration the facts and the submissions made by the learned counsel on either sides and the nature and gravity of the alleged offences, this Court is inclined to grant anticipatory bail to the Petitioner with certain conditions.

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. 2, Namakkal** on condition that the Petitioner shall execute a separate 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



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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 and thereafter as and when required;

[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 of Kerala [(2005)AIR SCW 5560]**.

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

14.08.2023

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