



Crl.O.P.No.18494 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), 323, 324 and 506(ii) of IPC, in Crime No. 115 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that due to financial dispute between the petitioner and the defacto complainant, the petitioner along with other accused has abused the defaco complainant in filthy language and assaulted him with hands and also attacked him with stone on his mouth and caused injuries to him. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent persona and he has been falsely implicated in this case. He would further submit that a counter complaint is also lodged against the defacto complainant in Crime.No.116 of 2023. He would also submit that the petitioner is ready to abide by any condition that may be



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imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that due to money dispute between the accused and the defacto complainant, the petitioner along with other accused abused the defacto complainant in filthy language and assaulted him with stone on his mouth and caused injuries. Immediately, the injured has been admitted in hospital and now, the injured has been discharged from the hospital. He would also submit that a counter complaint has been given as against the defacto complainant. However, he opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration the submission of the learned Government Advocate and also 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.2, Salem**, on condition that the petitioners 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 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 from the date of receipt of a copy of this order and thereafter, report before the respondent police as and when required for interrogation.



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[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 absconds, a fresh FIR can be registered under Section 229A IPC.

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