



Crl.O.P.No.19543 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), 341, 323, 324 and 506(ii) of IPC in Crime No. 408 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and the defacto complainant are neighbours. Due to previous enmity, there was wordy quarrel arose between them, due to which, the petitioner along with other accused have abused the defacto complainant in filthy language and assaulted him with hands and caused injuries to him. Hence, the case.

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 treated as out patient and discharged on the same day and A1 and



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A2 in this case were arrested and released on bail. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) for the respondent police would submit that there are totally four accused in this case, in which the petitioner is arrayed as 3. Due to previous enmity between the petitioner and the defacto complainant, the petitioner along with other accused abused the defacto complainant in filthy language and assaulted him with hands and caused injuries. He would further submit that the injured has been discharged from the hospital. However, he objected to grant anticipatory bail to the petitioner.

5. Taking into consideration the facts and circumstances and also taking note of the fact that co-accused in this have been granted bail and the injured has been discharged from the Hospital, I am inclined to grant anticipatory bail to the petitioner subject to the following 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 **Metropolitan Magistrate – II, Egmore**, on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five 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 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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