



Crl.O.P.No.19491 of 2023

Crl.O.P.No.19491 of 2023

WEB COPY

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. 137 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant and the petitioner's brother are friends. The petitioner advised the defacto complainant not to do anything with his brother. While so, on 18.06.2023, at about 10.30 a.m, when the defacto complainant was sitting near a Temple, the petitioner abused him in filthy language and assaulted him with bricks and caused injuries. 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 attitude of the defacto complainant is not good. Therefore, the petitioner advised his



Crl.O.P.No.19491 of 2023

brother not to do anything with the defacto complainant. Hence, a false case has been foisted against the petitioner. 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 due to previous enmity between the petitioner and the defacto complainant, the petitioner abused him in filthy language and assaulted him with bricks 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 fact that the injured has been discharged from the Hospital, I am inclined to grant anticipatory bail to the petitioner subject to the following conditions:

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**



Crl.O.P.No.19491 of 2023

WEB COPY

Judicial Magistrate No.II, Attur, 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.

[d] the petitioner shall not abscond either during investigation or trial.



Crl.O.P.No.19491 of 2023

[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.

31.08.2023

ata



WEB COPY



Crl.O.P.No.19491 of 2023

RMT.TEEKAA RAMAN,J.

ata

Crl.O.P.No.19491 of 2023

31.08.2023