



Crl.O.P.No.22420 of 2023

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WEB CRI RMT.TEEKAA RAMAN, J.

The Petitioner, who apprehends arrest at the hands of the Respondent police for the offence punishable under Sections 294(b), 307 & 392 of IPC in Crime No.540 of 2023 on the file of the Respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 12.07.2023 at 19.00 hours when the defacto complainant was returning to his home in his two wheeler near Seenapuram, TASMACH shop, this Petitioner and two other Accused waylaid the defacto complainant, demanded money and attacked him with hands and stick and took a sum of Rs.2,000/- from his pocket. Hence the complaint.

3.The learned Counsel for the Petitioner would submit that the Defacto Complainant was in an inebriated condition at the time of occurrence and he picked up quarrel with the public and sustained injury by the Mob and the Petitioner was wrongly implicated in this case. Hence, the learned counsel for the Petitioner prays for grant of anticipatory bail to the Petitioner.

4.The learned Government Advocate (Crl. Side) for the Respondent would submit that the injured was discharged from the hospital and co-accused was granted bail by the learned Principal Sessions Judge, Erode in



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Crl.MP.No.2578 of 2023 dated 02.08.2023. He 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 circumstances of the case and also the submissions made by the learned counsel on either sides and the fact that injured was already discharged from the hospital, 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.IV, Coimbatore**, 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 pass Book to ensure their identity;



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[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.

29.09.2023

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