

Crl.O.P.No.20765 of 2023

RMT.TEEKAA RAMAN, J.

The petitioner, who apprehend arrest at the hands of the respondent police for the offence punishable under Section 294(b), 323 and 506(i) of I.P.C, in Crime No.331 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 24.08.2023, the de-facto complainant went along with his clerk seeni @ seetha for official work and at that time his clerk phone was switched off. At that time one of the clerk's friend called de-facto complainant and asked to give mobile to his clerk, he says that his clerk went to his home. After that accused started quarrel with de-facto complainant to give money for them to drink. The de-facto complainant ignored but the accused abused in a filthy language and saying that if he did not give money, they will come to his office. After when the de-facto complainant went to his office accused and his friends stand in front of de-facto complainant's office and kicked him and pushed him down and ran away. Hence the case.

3. The learned Counsel for the petitioner would submit that the petitioner is an innocent persons and he has been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that A1 has already been arrested and released on bail. However, he opposed for grant of anticipatory bail to the petitioner.

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

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel on either side, A1 has already been arrested and released on bail. Hence, in respect of A1 is dismissed and this Court is inclined to grant anticipatory bail to the second petitioner.

7. Accordingly, in respect of A1 is dismissed and the second 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-I, Salem** 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.

[b] the second petitioner shall report before the respondent Police, everyday at 10.30 a.m., until further orders;

[c] the second petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the second 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 second 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.

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