



**Crl.O.P.No.20926 of 2023**

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**A.D.JAGADISH CHANDIRA, J.**

The petitioner, who apprehends arrest at the hands of the respondent Police, for the offences punishable under Section 341, 294(b), 506 (ii) & 307 IPC in Crime No.287 of 2023, registered on the file of the respondent Police on 23.05.2023, seeks anticipatory bail.

2. The case of the prosecution is that due to previous enmity, the petitioner along with other accused, waylaid the defacto complainant and attacked him with knife and thereby, caused injuries to him. Hence, the complaint.

3. The learned counsel for the petitioner submitted that this is the third application filed by the petitioner for anticipatory bail. The petitioner's earlier applications for anticipatory bail were dismissed since it was wrongly represented by the respondent that the petitioner has got 2 previous cases against him. After verification, it is now found that there is only one previous



case against the petitioner

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4. The learned counsel for the petitioner further submitted that the alleged occurrence is said to have taken place on 23.05.2023 and a complaint has been made to the respondent only on 24.05.2023, i.e., after a delay of 1 day. The learned counsel also submitted that the petitioner is not a habitual offender and not a rowdy element and he is ready to appear before the respondent and cooperate with the investigation.

5. The learned Government Advocate (Crl. Side) fairly submitted that earlier it was represented that there are 2 previous cases against the petitioner and on verification it is found that that there is only one previous case against the petitioner, which was registered in Crime No.665 of 2021 under Section 294b, 506 (ii) of IPC.

6. The learned Government Advocate (Crl. Side) would further submit that the petitioner has inflicted grievous cut injuries on the de-facto complainant by using a knife and therefore, he vehemently opposed to grant



anticipatory bail to the petitioner.

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7. At this juncture, the learned counsel for the petitioner submitted that the previous case against the petitioner was in the year 2021 and thereafter, for the past 2 years, the petitioner is not involved in any criminal activity. He also submitted that the petitioner is eking out his livelihood as a cook (parotta master). Hence, he seeks anticipatory bail.

8. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent.

9. Considering the submissions of the learned Government Advocate (Crl. Side) for the respondent, it is clear that when the earlier Crl.O.Ps. came up before this Court, it was wrongly represented that the petitioner was said to have involved in 2 previous cases, and hence the said petitions were dismissed. The learned Government Advocate (Crl. Side) after verification now fairly submitted before this Court that the petitioner is involved in 1 previous case and that is also during the year 2021.



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10. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

11. 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 is made ready, before the **learned Judicial Magistrate, Vikravandi**, on condition that the petitioner 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 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, everyday at 10.30a.m. until further orders;**

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness 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.

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