



Crl.O.P.No.21297 of 2023

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RMT.TEEKAA RAMAN, J.

The petitioner/A2, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 294(b), 323, 324, 506(2) and 307 of I.P.C, in Crime No.145 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 26.05.2023, when the de-facto complainant is in shop, the petitioner herein make wordy quarrel with unknown person in phone call. Subsequently, the de-facto complainant and selva kumar who is the owner of the shop enquired first accused he pick up quarrel and threatened with derogatory statements and after the accused 1 and other accused came to the place of occurrence with knife to attack the de-facto complainant and he sustained injury. Hence the case.

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



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4. The learned Government Advocate (Criminal Side) for the respondent would submit that the petitioner already granted anticipatory bail in Crl.O.P.No.16400 of 2023 dated 27.07.2023 but he fails to execute the sureties and the injured has been discharged from the hospital. However, he opposed for grant of anticipatory bail to the petitioners.

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 and also of the fact that the petitioner already granted anticipatory bail in Crl.O.P.No.16400 of 2023 dated 27.07.2023 but he fails to execute the sureties and the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner.

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 Court-I, Vellore** on condition that the petitioner



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shall execute a separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties on or before 04.10.2023 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 execute the sureties on or before 04.10.2023, failing which, the anticipatory bail shall stand dismissed;

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

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

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



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[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**.

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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