

Crl.O.P.No.22508 of 2023**C.V.KARTHIKEYAN, J.**

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 436 and 307 of I.P.C, in Crime No.218 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 09.09.2023, one Alex passed urine on the side wall of the de-facto complainant's house. Suddenly, the de-facto complainant came out from his house and question Alex. Due to the wordy quarrel and because of the loud noise the neighbours of the de-facto complainant had come out and compromised then and sent the petitioner and the accused away from the place of occurrence. The de-facto complainant is wife heard a bike sound and informed the de-facto complainant. He went and saw outside. The petitioner and other accused had thrown a petrol bottle in front of the window of the house and caused fire to the window door.

3. The learned Counsel for the petitioner would submit that the petitioner is innocent and had 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 there was a wordy quarrel between the petitioner and the de-facto complainant due to which the petitioner and other accused had thrown a petrol bottle in front of the window of the



house. There was no injury caused to the de-facto complainant. 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 and there is no injury to the de-facto complainant, 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, Poonamalli** on condition that the petitioners 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:



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[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, everyday at 10.30 a.m., until further orders;

[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 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]**.

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

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