



Crl.O.P.No.5542 of 2024

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C.V.KARTHIKEYAN, J.

The petitioner/first accused who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 294(b), 323, 324, 506(ii) of IPC in Crime No.2 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that owing to money dispute between the defacto complainant and this petitioner, there was a quarrel between them, due to which the accused attacked the defacto complainant and his brother and caused injuries to them.

3. The earlier application seeking anticipatory bail in Crl.O.P.No. 736 of 2024 was dismissed on 22.01.2024. On that date, it had been observed that the second accused had been arrested and was still in custody. Now, the second accused had been granted bail which is a change in circumstance. The learned counsel also states that out of three earlier cases, one case had ended in acquittal.

4. Taking all the factors into consideration, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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5. 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 Judicial Magistrate, Sendamangalam, 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 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 daily 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.



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[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 absconds, a fresh FIR can be registered under Section 229A IPC.

19.03.2024

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