



Crl.O.P.No.9036 of 2024

Crl.O.P.No.9036 of 2024

WEB COPY

T.V.THAMILSELVI,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 323, 324 and 506(2) of IPC, in Crime No.161 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that on 01.04.2024, the defacto complainant along with other persons was smoking in the tea shop, at that time, the petitioner along with other accused came on a bike and was about to hit the defacto complainant, when the same was questioned by him, the petitioner and other accused assaulted the defacto complainant, thereby causing injury to him. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is in no way connected with the alleged offence as alleged by the prosecution. He further submits that the petitioner is ready to abide by any condition that may be imposed by this Court. Hence, he prays to grant anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the



Crl.O.P.No.9036 of 2024

respondent submitted that due to wordy quarrel between the petitioner and the defacto complainant, the petitioner and other accused assaulted the defacto complainant with knife. He further submits that the injured has been discharged from the hospital. Hence, he vehemently opposed for the grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts and the submissions made by both counsels and also the fact that the petitioner without prejudice to his rights is volunteered to deposit a sum of Rs.10,000/- to the credit of the Crime Number, this Court is inclined to grant **anticipatory bail** to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on anticipatory 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 No.I, Erode**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, for a like sum to the satisfaction of the respondent police or



CrI.O.P.No.9036 of 2024

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 shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Crime No.161 of 2024 before the learned Judicial Magistrate No.I, Erode, within a period of two weeks from the date of receipt of a copy of this order and on such deposit, the de-facto complainant is permitted to withdraw the same, on filing undertaking affidavit and proper identification and acknowledgment;

[b] 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;

[c] the petitioner shall report before the respondent police on every Sunday at 10.30 a.m. for a period of eight weeks;

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



Crl.O.P.No.9036 of 2024

T.V.THAMILSELVI, J.

drl

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

[f] 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]**;

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

15.04.2024

drl

Crl.O.P.No.9036 of 2024