



Crl.O.P.No.10347 of 2024

T.V.THAMILSELVI, J.

WEB COPY

The petitioner, who apprehends arrest for the alleged offences punishable under Sections 294(b), 323 and 506(1) IPC in Crime No.425 of 2024 on the file of the respondent/police, seeks anticipatory bail.

2.It is the case of the prosecution that the defacto complainant is working as a bus conductor in a Government bus bearing Registration No.TN 30 N 1927 going to Salem to Mettur route and on 08.04.2024 at about 04.35 a.m. the petitioner came to his bus from Salem 5 roads stop and bought ticket for Rs.51 and the defacto complainant informed the petitioner that he was given the said amount of Rs.51 and not given Rs.100 and after that there was wordy quarrel starting between them with filthy languages and ended with assaulted by him with his hand and punched his nose, in the result the defacto complainant caused injuries and admitted in Salem Government Hospital as inpatient. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner was working as Operator in a private sector at Mettur, while he was



going to his job in the above said bus the defacto complainant asked exact amount for the ticket and the same was given by the petitioner, meanwhile, the defacto complainant using filthy language against the petitioner and assaulted the petitioner on his hand and slapped him. Hence he has given a complaint in Crime No.426 of 2024 for the offence under Sections 294(b), 323, 506(1) IPC against the defacto complainant. He is an innocent and a law abiding citizen and he has not committed any offence as alleged by the prosecution. He has been falsely implicated in this case. He is no way connected to the crime. He is ready to abide by any condition that may be imposed by this Court. Hence, the learned counsel prays to grant anticipatory bail to the petitioner .

4.The learned Government Advocate (Crl. Side) submitted that it is the case in counter case and hence he vehemently opposed for grant of anticipatory bail to the petitioner .

5.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

6.Taking into consideration the facts and circumstances of the case, this



Court is inclined to grant anticipatory bail to the petitioner .

WEB COPY

7. Accordingly, the petitioner is directed 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-II, Salem, 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 the petitioner , 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall appear before the respondent police as and when required;

(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 petitioner released on bail by the learned Magistrate/trial Judge himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

29.04.2024

ah



WEB COPY



Crl.O.P.No.10347 of _____

T.V.THAMILSELVI, J.

ah

Crl.OP.No.10347 of 2024



WEB COPY



Crl.O.P.No.10347 of _____

29.04.2024