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Crl.O.P.No.12789 of 2024

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**S.SOUNTHAR, J.**

The Petitioner/Accused in Crime No.289 of 2024 registered by the respondent police for the offences under Sections 294(b), 324 & 506(ii) IPC, seeks anticipatory bail.

2. The learned Government Advocate (Criminal Side) stated that on the date of occurrence, a wordy quarrel arose between the parties with regard to using the water motor situated in a common well between the property of the petitioner and the defacto complainant and as a result, the petitioner assaulted the defacto complainant on his head using iron rod. Hence, this case. He also added that the injured has been discharged from the hospital.

3. The learned counsel for the Petitioner stated that the Petitioner is an innocent person and has not committed any offence as alleged. He has been falsely implicated in this case. Thus, he prays for grant of anticipatory bail to the Petitioner herein.



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4. Taking all the factors into consideration and also that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the Petitioner subject to the following conditions. 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, Omalur, Salem District**, 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 conditions 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.**



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[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 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.

**29.05.2024**

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