



CrI.O.P.No.16598 of 2024

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T.V.THAMILSELVI,J.

The petitioner/A1, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 296(b), 118(1) and 351 of the Bharatiya Nyaya Sanhitha, 2023 in Crime No.232 of 2024, seeks anticipatory bail.

2. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case and he has not committed any offence as alleged by the prosecution. He further submitted that the defacto complainant left the car open in the middle of the road, for which the petitioner and his wife, who were riding a bike informed them to take car, subsequently, the defacto complainant assaulted him and has given a false complaint against the petitioner. He further submitted that the petitioner is ready to abide by any conditions that may be imposed by this Court. Therefore, he prays to grant anticipatory bail to the petitioner.



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3. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that it is a case and case in counter. He further submitted that the defacto complainant who has opened the car door in the middle of the road, the accused who came along with wife on bike shouted him with filthy language to close the door, for which, the defacto complainant got down, subsequently, a wordy quarrel arose between them, due to which, the petitioner assaulted the defacto complainant on stone on the left and right side of the forehead, thereby causing injuries to him, and thereafter he was taken to hospital, later he discharged. He further submitted that there was no damage to the property. However, he vehemently opposed for the grant of anticipatory bail to the petitioner.

4. Taking into consideration the facts and the submissions made by the learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 (15) days from



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the date of receipt of a copy of this order before the *learned Judicial Magistrate, Sathiyamangalam*, 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned 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.232 of 2024 before the concerned Magistrate 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 Court concerned 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 alternate days at 10.30 a.m., for a period of eight weeks;



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

[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 has been imposed and the petitioner is 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]***; and;

[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

15.07.2024

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