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Crl.O.P.No.19151 of 2024

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P.DHANABAL, J.

The petitioner seeks anticipatory bail in Crime No.110 of 2024 registered by the respondent Police for the offences under Sections 143, 294(b), 323, 324, 427 and 506(ii) of IPC.

2. The case of the prosecution is that there is a previous enmity between the petitioner and the defacto complainant during the temple festival and due to which, a wordy quarrel arose between them. During the quarrel, the petitioner abused the defacto complainant in filthy language and assaulted him with hands and sticks and he sustained grievous injuries. The petitioner had also caused damages to the mobile phone and motor bike of the defacto complainant. Hence, this case.

3. The learned counsel for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and a false case has been foisted against him. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the petitioner is arrayed as A1 and there are



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two previous cases pending against the petitioner. The petitioner abused the defacto complainant in filthy language and assaulted him with his hands and sticks, due to which, the defacto complainant sustained grievous injuries and was admitted in hospital and now the injured is discharged from hospital.

5. Considering the submissions made by both sides and taking into consideration the fact that the injured is discharged from hospital and also the fact that except the offence under Section 506(ii) IPC, all other offences are bailable in nature, I am 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, Omalur** on condition that the petitioner shall execute a separate 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



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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 10.00 a.m., for a period of thirty days and thereafter, as and when required for interrogation.

[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;

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