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Crl.O.P.No.28174 of 2024

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C.V.KARTHIKEYAN, J.

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 294(b), 353 and 506(ii) of I.P.C, in Crime No.158 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant working as Assistant Engineer in Water Resource Department. On 21.08.2022, while inspection made in Malaikottalam lake, a lorry bearing Registration No.TN 39 AL 9263 unloaded the lake sand near the private land. While it was questioned by the de-facto complainant, the petitioner and co-accused assaulted and abused with filthy language and try to attack with screw driver. Hence the case.

3.The learned counsel for the petitioner submitted that the petitioner is innocent. He has been falsely implicated in this case. Hence, the present petition has been filed seeking anticipatory bail to the petitioner.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner assaulted and abused the defacto complainant with filthy language and try to attack with screw driver. It is also contended that there are two previous cases as against the petitioner. Hence, he opposed to grant of anticipatory bail to the petitioner.

5. However, it is seen that the earlier petition seeking anticipatory bail was dismissed on 9.10.2023 more than one year back. The respondent have not yet taken the petitioner into custody.

6. Taking all the factors into consideration, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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



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Magistrate No.I, Kallakurichi, 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 condition 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.

[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



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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.

18.11.2024

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