



Crl.O.P.No.29242 of 2024

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A.D.JAGADISH CHANDIRA, J.

The petitioner/A2, who apprehends arrest for the alleged offences under sections 324 of IPC and then altered into 294(b), 341, 307 IPC read with 34 of IPC in Crime No.62 of 2023, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 25.05.2023 at about 5.30 p.m., when the de-facto complainant returned to his house after completing his field work, two unknown persons came to the place of occurrence and attacked the de facto complainant with an iron rod at the inducement of the petitioner and another, and then ran away from the place of occurrence. Due to which, he sustained grievous injuries. Hence, the case.

3. The learned counsel for the Petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this



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case. He would further submit that the petitioner is ready to abide by any condition that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioner, would submit that the de facto complainant suspected that at the inducement of the petitioner, three unknown persons attacked the de facto complainant with an iron rod. Due to which, he sustained grievous injuries and was admitted to the hospital. He would further submit submit that the injured person has been discharged from the hospital and there is no previous case pending as against the petitioner.

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

6. Considering the above facts and circumstances of the case,



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the submissions made by the learned counsel on either side and also considering the fact that the injured has been discharged from the hospital and there is no previous case pending as against the petitioner, 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 **learned Judicial Magistrate, Katpadi**, 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 and Left Thumb Impression in the surety bond



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and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure their identity;

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[b] the petitioner shall report before the respondent police everyday at 6.30 p.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 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 269 of BNS.

22.11.2024

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