



Crl.O.P.No.29896 of 2024

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SUNDER MOHAN, J.

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 294(b), 324 and 506(2) of IPC in Crime No.366 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that there was a dispute between the petitioner/A2, A1, and the defacto complainant, who are neighbours, with regard to pathway dispute. As a result, A1 is said to have attacked the defacto complainant with a knife and the petitioner is said to have assaulted him with his hands, thereby causing injuries. Hence the case.

3. Learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner had attacked the defacto complainant with hands and the main accused was arrested and



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released on bail and hence, custodial interrogation is not required for the purpose of investigation. He would further submit that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl. Side) for the respondent Police, on instructions, would submit that the injured person has been discharged from hospital and the main accused was arrested and released on bail. He would further submit that there is no previous case pending as against the petitioner. However, he vehemently opposed to grant anticipatory bail to the petitioner.

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

6. Taking into consideration of the nature of allegations against the petitioner and also taking note of the fact that injured person has been



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discharged from hospital and custodial interrogation of the petitioner is not required, 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 their appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned District Munsif cum Judicial Magistrate, Ambur** on condition that the petitioner shall execute a separate 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, 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.



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[b] the petitioner shall report before the respondent police everyday 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 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 abscond, a fresh FIR can be registered under Section 269 of B.N.S.

29.11.2024

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