

CrI.O.P.No.17120 of 2021

M.DHANDAPANI,J.

The matter is listed today under the caption “For Being Mentioned” at the instance of the learned counsel for the petitioner.

2.It is brought to the notice of this Court that some typographical error has been crept in para No.1 of the order dated 17.09.2021 and the same shall be replaced as follows:

"The Petitioner who apprehends arrest for the alleged offence under Sections 294(b), 323, 307 and 506(ii) of IPC, in Crime No.473 of 2021 on the file of the respondent police, seeks anticipatory bail."

3. All other conditions imposed in the order dated 17.09.2021 shall remain intact except for the above said correction.

4. Registry is directed to carry out the necessary correction in the order dated 17.09.2021 and issue a fresh copy of the order to the learned counsel for the parties.

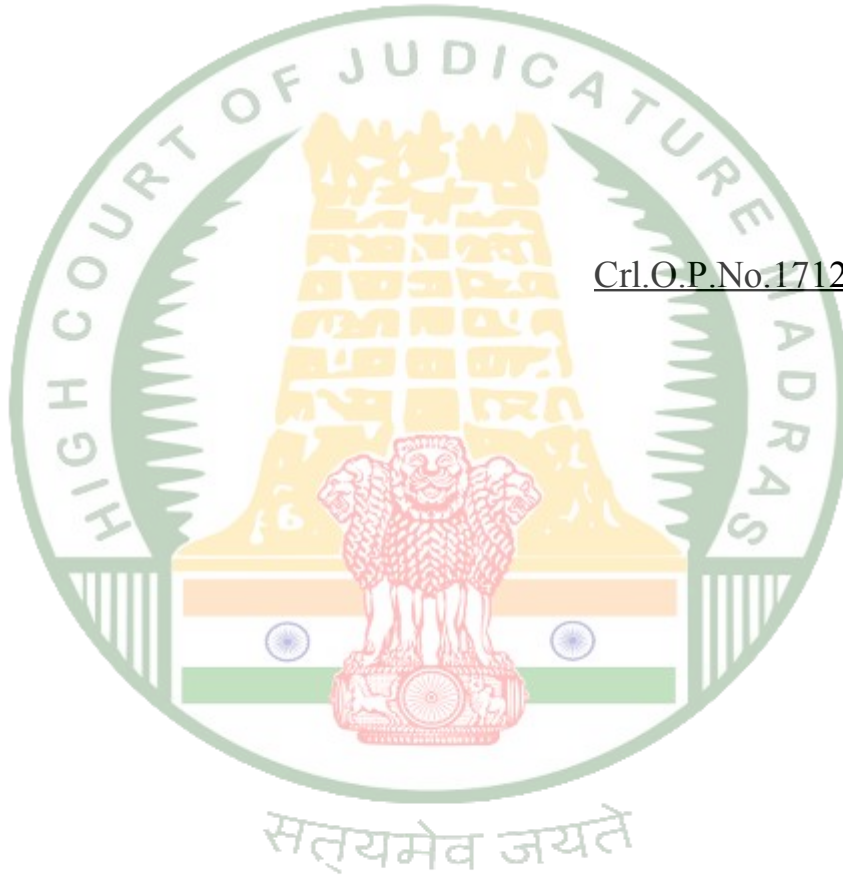
07.10.2021

msrm

Note- Issue order copy on 07.10.2021.

M.DHANDAPANI,J.

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Crl.O.P.No.17120 of 2021M.DHANDAPANI,J.

The petitioner who apprehends arrest for the alleged offence under Sections 294(b), 323 and 506(ii) of IPC in Cr.No.473 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the brother of the defacto complainant questioned the petitioner for illegally constructing compound wall, when the investigation regarding the construction of compound wall is pending. Hence, due to wordy quarrel, the petitioner along with other accused persons threatened and tried to attack the defacto complainant's brother using iron rod. Hence, the defacto complainant lodged a complaint against the petitioner. Hence, the Law Enforcing Agency registered a case against the petitioner.

3.The learned counsel appearing for the petitioner submit that the petitioner has not committed any offence as alleged by the prosecution and the defacto complainant hadn't sustained any injuries. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl side) submits that no one sustained any injuries and the investigation is pending.

5. Considering the fact and circumstances of the case and no one was injured, this Court is inclined to grant anticipatory bail to the petitioner.

6.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 of receipt of a copy of this order, before the learned **Judicial Magistrate, Uthukottai**, 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 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 Court concerned 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. For a period of two weeks 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]***; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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