



Crl.O.P.No.15613 of 2022

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WEB CO **G.K.I LANTHIRAIYAN, J.**

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148 and 302 of IPC in Crime No. 31 of 2022 seeks anticipatory bail.

2. There are totally seven accused. The case of the prosecution is that the defacto complainant is the nephew of the deceased Arivazhagan and he was a bachelor and his family had a land dispute with the 1st accused and the 1st accused had borrowed a gold chain from the deceased and the same was never returned. When it was asked by the deceased, the accused threatened him. Being so, in the local body election, the deceased had supported one Prabhu Ilakkiya, who was a booth agent and the 1st accused had supported Rani Ranganathan, due to which, the 1st accused had vengeance as against the deceased and threatened him. On 21.02.2022 at about 8.40 a.m. the deceased was taking water, at that time, the 1st accused along with his family members had attacked the deceased with deadly weapons and he died on the spot. Hence, the complaint.



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3. The learned counsel for the petitioner would submit that only on the confession of the co-accused, the petitioner has been implicated in this case and the petitioner's name was not found in the FIR. He would further submit that the petitioner has not committed any offence as alleged by the prosecution. Therefore, he prays to grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that there are totally 7 accused, in which, the petitioner is arrayed as A6. Due previous enmity and disputes arose during the local body election, the petitioner along with other accused attacked the deceased with knife and he died on the spot. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. There are totally 7 accused, in which, the petitioner is arrayed as A6. Even according to the prosecution, the other accused went to the place of occurrence and attacked the deceased and he died on the spot. Only on the confession of the co-accused, the petitioner is implicated as an accused and the petitioner's name was not found in the FIR.



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6. A perusal of the confession also reveals that the petitioner directed them to go to police station and lodge the complaint due to property dispute between the deceased and other accused persons. Admittedly, though, the petitioner was there in the scene of occurrence, there is no specific overt act alleged against him.

7. Considering the above fact and circumstances of the case and custodial interrogation of the petitioner is not required, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. 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 is made ready, before the learned Judicial Magistrate No.II, Jayangondam, Ariyalur District, 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



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further condition that:

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[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 Morning at 10.30 a.m. and Evening at 5.30 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 229A IPC.

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