



Crl.O.P.No.17276 of 2022

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WEB C **G.K.ILANTHIRAIYAN, J.**

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 323, 324, 506(2) and 302 of IPC, 1860 in Crime No.452 of 2022, seeks anticipatory bail.

2. It is the case of the prosecution that the deceased is the father of the defacto complainant. The defacto complainant's brother's wife contested in panchayat President election of Pennadam hamlet and she was defeated by A5. Due to that election motive, the petitioners attacked the deceased and his family members by using wooden log, iron pipe and knife, due to which the deceased died. Hence, the case.

3. The learned counsel appearing 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 A5 was granted anticipatory bail by this Court in Crl.O.P.No.12460 of 2022 dated 01.06.2022 and A1 to A3 were already arrested and released on bail on 27.06.2022 in Crl.O.P.No.14767 of 2022. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the



respondent would submit that there are totally seven accused, in which, the petitioner is arrayed as A4. The petitioner along with other accused attacked the deceased and his family members with wooden log, iron pipe and knife. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the above fact and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 on which the order copy is made ready, before the learned Judicial Magistrate, Thitakudi, 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



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identity.

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[b] the petitioner shall report before the respondent police daily Morning at 10.30 a.m. and Evening at 5.30 p.m. for a period of four 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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