



Crl.OP.No.18736 of 2022

Dr.G. JAYACHANDRAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 109, 304(2) of IPC in Crime No.74 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor.

3. The case has been registered by the respondent police on 10.05.2022 in Cr.No.74 of 2022 for the alleged offence punishable under Sections 109 and 304(2) of IPC.

4. According to the complaint, due to family dispute between the defacto complainant and one Umapathy, this petitioner instigated Umapathy and family to demolish the compound wall and grabbed the common space



left in between the house of the de facto complainant and the house of the said Umapathy. When that was objected to by the mother of the de facto complainant, Murali and Srinivasan and family members of Umapathy knowing fully well that she was standing there, demolished the compound wall and debris has fallen on her leg, due to which, she sustained injuries and taken to hospital, where she was declared dead on the way to hospital.

5. The learned Additional Public Prosecutor submits that the said Murali and Srinivasan were arrested and released on bail and this petitioner is relative to A1 and A2 is still absconding.

6. On reading of the FIR and the nature of offence alleged against him, this Court is of the view that prima facie there is no material for abetting the offence under Section 304(2) of IPC, 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 seven days from the date of receipt of a copy of this order, before the *learned Judicial*



Magistrate, Katpadi on condition that the petitioner shall execute a bond for a sum of **Rs.50,000/- (Rupees Fifty Thousand only)** , with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a) if the petitioner failed to surrender before the concerned Magistrate within a period of 7 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) 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;

(c) the petitioner shall report before the Investigation Officer as and required for interrogation;

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;



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CrI.OP.No. 18736 of 2022

(e) the petitioners shall not abscond either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners are 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

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

Vv

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