



Crl.O.P.No.21504 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 324, 506(ii), 279 and 337 of IPC in Crime No.413 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that on 20.08.2022 at about 10.00 p.m., while the defacto complainant was sleeping on his cot in his house, the petitioner due to previous enmity had purposely driven a car in a rash manner and dashed against the cot, resulting in the defacto complainant sustaining injuries. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and a false complaint has been given as against the petitioner, due to previous enmity in the family. He would further submit that the incident had happened due to the negligence and it was not intentionally done. Immediately after the occurrence, the petitioner himself had taken the victim in his car and admitted him in the hospital. However, due to the instigation by the relatives, who are



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antagonist to the petitioner, a false complaint has been given as against the petitioner. He would also submit that the petitioner and the defacto complainant are relatives and civil disputes are pending between the family members. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner due to previous enmity had driven the car in a rash manner and dashed against the cot, where the defacto complainant is sleeping, resulting in the the defacto complainant sustaining injuries. He would also submit that the injured has been discharged from the hospital and the investigation is pending. Therefore, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel and perused the materials available on record including the First Information Report.

6. Taking into consideration the facts of the case and the



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submissions made by the learned counsel, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

7. 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 made ready, before the **learned Judicial Magistrate No.1, Cuddalore**, on condition that the petitioner shall execute a bond for **a sum of Rs.25,000/- (Rupees Twenty Five 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 identity.

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[b] the petitioner shall report before the respondent police daily 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 absconds, a fresh FIR can be registered under Section 229A IPC.

06.09.2022

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