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CrI.O.P.No.22048 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 341, 294(b), 323 and 506(ii) of IPC in Crime No.520 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that due to property dispute, the petitioner who is the younger brother of the *de-facto* complainant had assaulted her with hands and also kicked her on the stomach. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and it is family dispute and the quarrel has been exaggerated and a false complaint has been given. Even admittedly the *de-facto* complainant came near the house of the petitioner and created ruckus resulting in petitioner pushing her and she falling down. Even then there was no intention of causing injuries to the *de-*



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facto complainant. He would further submit that *de-facto* complainant also discharged from the hospital. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the *de-facto* complainant is the elder sister of the petitioner. Due to family quarrel, the petitioner had assaulted her with hands and pushed her. When she had fallen down, he kicked on the stomach, due to which the *de-facto* complainant sustained internal injuries. However, the victim was discharged from the hospital.

5. The learned counsel appearing for the intervenor opposed stating that the petitioner who is the younger brother had assaulted the *de-facto* complainant and kicked her on the stomach, due to which, she sustained internal bleeding injuries and discharged from the hospital after four days. He would further submit that the *de-facto* complainant is having continuous pain in her stomach.



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6. Heard the learned counsels. Taking into consideration the facts and it is a family dispute between the brother and sister and also the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner with certain 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 XV I Metropolitan, George Town, Chennai, 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 stay at Vellore and report before the Inspector of Police, Katpadi Police Station every day at 10.30 a.m. for a period of two weeks and thereafter report before the respondent police on every Saturday 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 abscond, a fresh FIR can be registered under Section 229A IPC.

20.09.2022

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