



CrI.O.P.No.21990 of 2022

A.D.JAGADISH CHANDIRA, J.,

The petitioners, who apprehends arrest for the alleged offences under Sections 341, 324 and 307 of IPC in Crime No.178 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that due to previous enmity the accused waylaid the defacto complainant's husband and assaulted him brutally with knife resulting him in sustaining injuries. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely roped in this case, based on the confession alleged to have been recorded from the arrested accused. In the FIR, the defacto complainant stated that three persons were involved in this case, whereas, the respondent police implicated the petitioners. He would submit that in respect of filing writ petition against starting of poultry farm there was an enmity between the petitioners and the defacto complainant's husband. Thereby, the names of the petitioners have been roped in this case. The arrested accused have been enlarged on bail. The injured was discharged from the hospital and no specific role has been attributed against the petitioners. Hence, he prays for grant of bail to the petitioners.



WEB COPY

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that there was previous enmity between the petitioners and the defacto complainant's husband with regard to running of a poultry farm. The petitioners have instigated the other accused, pursuant to which the other accused have indiscriminately attacked the defacto complainant's husband with knife. The arrested accused have been enlarged on bail and the victim is also discharged from the hospital. No previous case is against the petitioner. However, he vehemently opposed to grant of anticipatory bail to the petitioners.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and the 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 petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready, before the Judicial Magistrate No.II, Namakkal, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 petitioners 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 petitioners shall report before the respondent police daily at 10.30am and 5.30pm until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

With the above directions, this Criminal Original Petition is ordered.

20.09.2022

tsh

<https://www.mhc.tn.gov.in/judis>



WEB COPY



A.D. JAGADISH CHANDIRA. J,
tsh

Crl.O.P.No.21990 of 2022

20.09.2022