



Crl.O.P.No.22934 of 2022

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A.D. JAGADISH CHANDIRA, J.,

The petitioner, who apprehends arrest for the alleged offences under Section 341, 294(b) and 307 IPC in Crime No.155 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that due to a property dispute, the petitioner and others have assaulted the defacto complainant when he had gone to attend a funeral ceremony.

3. The learned counsel appearing for the petitioner would submit that the petitioner and the defacto complainant are relatives, there is an existing civil dispute pending between them in respect of the property. Whiles, the petitioner's relative/Rosemary passed away on 01.09.2022 and when the petitioner and his family members were making arrangements for funeral, the defacto complainant along with his men trespassed into the house of the petitioner's relative and created ruckus and during quarrel he sustained injuries and he has falsely projected the case as a case of attempt to commit murder. He would submit that even as per the discharge summary, the injuries sustained by the victim was stated to be simple and diagnosed as laceration injury. The injured is also discharged from the hospital. He would further submit that the co-



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accused in this case has already been granted anticipatory bail by this Court in Crl.O.P.No.21879 of 2022 on 14.09.2022 and hence, he would prayed for grant of anticipatory bail.

4. The learned Government Advocate (crl. side) appearing for the respondent police submitted that the petitioner and the defacto complainant are relatives and when the defacto complainant along with father and relative had gone to the funeral ceremony of the petitioner's relative, the petitioner along with other accused attacked the defacto complainant. The injured is discharged from the hospital. No previous case is pending against the petitioner.

5. 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 petitioners subject to the following 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 (15) days from the date on which the copy of the order is made ready, before the Judicial Magistrate No.II, Alandur, 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



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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.

[b] the petitioner shall at Theni and report before the Inspector of Police, Theni Town Police Station daily at 10.30am 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.

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

28.09.2022

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



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