



Crl.O.P.No.23100 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioner who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 148, 341, 364 and 307 of IPC, later upon the investigation they were charged with Sections 147, 148, 294(b), 323, 324, 341, 342, 364, 379 and 307 of IPC, in Crime No.302 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with the sons of the defacto complainant due to land dispute kidnapped the defacto complainant and threatened him at the knife point and caused neck injury. Hence, the complaint.

3.Learned counsel for the petitioner submitted that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He further submitted that the main accused, the sons of the defacto complainant have been granted anticipatory bail by this Court in



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Crl.O.P.No.19854 of 2022 dated 23.08.2022. Therefore, prays for grant of anticipatory bail to the petitioner.

4.Learned Government Advocate (Crl.Side) would submit that due to land dispute, the petitioner along with the sons of the defacto complainant, kidnapped the defacto complainant and also threatened him at knife point with dire consequences and also caused injury in the neck. Hence, he vehemently opposed to grant anticipatory bail to the petitioners. He added that there are no previous cases pending against the petitioner.

5. Taking into consideration the facts and the submissions made by the learned counsel and also considering the fact the main accused in this case have already been enlarged on bail, this Court is inclined to grant bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of his arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the Judicial



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Magistrate Court No.1, Villupuram, 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.

[b] the petitioner shall report before the respondent Police daily at 10.30 a.m., for a period of two weeks, 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;

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[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 F.I.R can be registered under Section 229A IPC;

12.10.2022

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