



Crl.OP.No.27364 of 2022

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A.D.JAGADISH CHANDIRA, J.

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The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Section 307 of IPC in Crime No.549 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Prasath is that the first accused is his cousin and there was a dispute between them pursuant to the dispute and enmity, on 10.11.2022, when the defacto complainant was walking along his house, the accused had with an intention of killing the defacto complainant hit against him with his car and dragged him for about 20 feet, due to which, he had sustained injuries and he was admitted in the hospital on 13.10.2022 and the complaint was given on 18.10.2022. Hence, the complaint.

3. Learned counsel for the petitioner would submit that the petitioner and the defacto complainant are close relatives and there are already existing civil dispute pending between them and that on 10.10.2022, the accident had happened and taking advantage of the fact that he had sustained injuries had given a false complaint against the petitioner on 18.10.2022 after the period



of 8 days. Even as per the prosecution, the petitioner has stated that the incident had stated to have happened on 10.10.2022 and the petitioner has got himself admitted on 13.10.2022 in a private hospital and the complaint has given on 18.10.2022. Hence, he prays to grant anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl. Side) would submit that the petitioner and the defacto complainant are close relatives and the existing civil dispute between them on 10.10.2022, the petitioner had driven a car in a rash manner and dashed against the defacto complainant causing him grievous injuries. Hence, he would vehemently oppose to grant anticipatory bail to the petitioner.

5. Learned counsel for the Intervenor would submit that with an intention of causing death, driven the car in a rash and negligent manner and dashed against the defacto complainant and he had sustained fracture and hence, he would strongly oppose to grant anticipatory bail to the petitioner.

6. Heard the submissions made by the learned counsel and perused the materials available on record including the FIR.



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7. Taking into consideration the facts and the submissions made by the counsel, this Court is inclined to grant anticipatory bail with certain conditions.

8. 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-V, Salem*** 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 stay at Chennai and report before the **Inspector of Police, North Beach Police Station, Chennai** everyday at **10.30 a.m.**, for a period of four weeks and thereafter report before the respondent police every day at **10.30 a.m.**, for a period of two weeks.



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[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 FIR can be registered under Section 229A IPC.

18.11.2022

Vv

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18.11.2022