



Crl.O.P.No.29114 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 Section 302 of IPC in Crime No.89 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and the *de-facto* complainant are husband and wife. During a wordy quarrel, the petitioner had assaulted his son using koduval, sustaining grievous injuries the victim died on the spot. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is the sole-accused in Crime No.89 of 2021 registered by the respondent police for the offences under Section 302 of IPC. He would submit that originally the petitioner was arrested on 11.05.2021 and he was granted bail by the District and Sessions Court, Krishnagiri on 22.07.2021 with a direction to produce and execute the sureties on or before 19.08.2021. Pursuant to the same, the petitioner came out on bail.



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While he was making arrangements for producing the sureties, he got affected by Covid – 19 and he was unable to execute the bail condition on or before 19.08.2021. Subsequently, the petitioner was also affected by jaundice and even thereafter, the petitioner was unable to surrender. Subsequently, the petitioner had filed a petition for anticipatory bail in Crl.M.P.No.778 of 2022 before the learned Principal Sessions Judge, Krishnagiri and it came to be dismissed on 04.04.2022. The petitioner also understands that the respondent police had completed the investigation and filed final report before the learned Judicial Magistrate No-II, Hosur. Subsequently, the petitioner also filed another petition for anticipatory bail in Crl.M.P.No.1646 of 2022 and the learned Principal Sessions Judge, Krishnagiri had dismissed the same on 21.07.2022. He would further submit that the petitioner was already under custody for 77 days and only due to his illness, he was unable to furnish the sureties after coming out on bail. He would further submit that the petitioner is ready and willing to furnish the sureties and cooperate with the respondent in speedy disposal of the trial. Hence, he prays to grant anticipatory bail to the petitioner.



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4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner was arrested on 11.05.2021. Thereafter, he was granted bail by the learned Principal District and Sessions Judge, Krishnagiri with a direction to produce and execute sureties on or before 19.08.2021. Thereafter, the petitioner got absconded. However, he would submit that the petitioner's earlier petitions for anticipatory bail before the learned District and Sessions Judge, Krishnagiri came to be dismissed and that now investigation has been completed and final report has been filed and it is pending committal on the file of the learned Judicial Magistrate No.II, Hosur.

5. Heard the learned counsel. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain 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 days



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from the date on which the order copy made ready, before the **learned Judicial Magistrate - II, Hosur**, 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 learned Judicial Magistrate No.II, Hosur on all working days at 10.30 a.m., till the committal of the case to the Court of Sessions.

[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



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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.

28.11.2022

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