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Crl.O.P.No.29028 of 2022

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**A.D.JAGADISH CHANDIRA, J.**

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 326 and 506(ii) of IPC in Crime No.245 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the *de-facto* complainant Manikandan is that due to a dispute with regard to grazing of cattle, the accused had assaulted the *de-facto* complainant's father with wooden log and beer bottles resulting in him sustaining grievous injuries and losing 4 teeth. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. Hence, he prays to grant anticipatory bail to the petitioners.



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4. The learned Additional Public Prosecutor appearing for the respondent would submit that during the quarrel, the petitioners have assaulted the *de-facto* complainant's father with beer bottles and wooden log resulting in him losing 4 teeth. The injured has been admitted in the hospital and he has been discharged. However, he would submit that there are specific allegations against the 1<sup>st</sup> petitioner having repeatedly assaulted the *de-facto* complainant's father with wooden log and beer bottles. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Heard the learned counsel. Taking into consideration the facts and the submissions, this Court is inclined to grant anticipatory bail to the 2<sup>nd</sup> petitioner alone with certain conditions. In so far as the 1<sup>st</sup> petitioner is concerned, since he is the main accused who has inflicted injuries, this Court is not inclined to grant anticipatory bail to the 1<sup>st</sup> petitioner.

6. Accordingly, as far as the 1<sup>st</sup> petitioner is concerned, this



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petition is dismissed and as far as the 2<sup>nd</sup> petitioner is concerned, the 2<sup>nd</sup> 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 **Judicial Magistrate Court, Vanur, Villupuram District**, 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 2<sup>nd</sup> 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 2<sup>nd</sup> petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders.

[c] the 2<sup>nd</sup> petitioner shall not tamper with evidence or witness either during investigation or trial.



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[d] the 2<sup>nd</sup> 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 2<sup>nd</sup> petitioner in accordance with law as if the conditions have been imposed and the 2<sup>nd</sup> & 3<sup>rd</sup> 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.

25.11.2022

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