

Crl.O.P.No.29595 of 2022

WEB COPY

T.V.THAMILSELVI, J.

The petitioner, who apprehends arrest for the alleged offence under Sections 147, 148, 341, 294(b), 326 and 506 (ii) IPC @ Section 147, 148, 341, 294(b), 326, 506(ii) and 307 IPC in Cr.No.105 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that due to dispute and enmity on account of allotment of panchayat lands, on 03.09.2022, the accused had waylaid the defacto complainant and assaulted him indiscriminately. Due to which, he sustained injuries on the face, left palm and further allegation is that the accused had threatened the defacto complainant. Hence, the case.

3.The learned counsel appearing for the petitioner submits that he is an innocent person and he has been falsely implicated in this case. He would further submit that all other accused has been granted anticipatory bail by this Court. Hence, he prays to grant anticipatory bail to the petitioner.



WEB COPY

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that due to dispute and enmity on account of allotment of panchayat lands, the accused had waylaid the defacto complainant and assaulted him indiscriminately. Due to which, he sustained injuries on the face, left palm and further allegation is that the accused had threatened the defacto complainant. He would submit that there are two previous case similar in nature pending against the petitioner. Hence, he vehemently opposed for grant of anticipatory bail.

5. Considering the facts and circumstances of the case and that co-accused had been granted anticipatory bail, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **District Munsif Cum Judicial Magistrate Court, Tharangambadi** on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/-**



(Rupees Ten 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 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 Court concerned 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 months and thereafter, appear before the trial Court on all hearing dates.

(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 anticipatory 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]***; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

08.12.2022

anu



WEB COPY



4

Crl.O.P.No.29595 of 2022

T.V.THAMILSELVI, J.

anu

Crl.O.P.No.29595 of 2022

08.12.2022