

**Crl.O.P.No.29561 of 2022****T.V.THAMILSELVI, J.**

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323, 447, 427, 506 (ii) and 307 of IPC in Crime No.225 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the erstwhile President of the Panchayat. It is alleged that due to previous enmity between the petitioners and the defacto complainant, the petitioners along with others had drove the car and tried to dash the defacto complainant and his son, in which, the defacto complainant sustained injuries. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the defacto complainant availed illegal EB connection from the general station. When questioned about the same, wordy quarrel arose between them. The petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Hence, he would pray for grant of anticipatory



bail to the petitioners.

WEB COPY

4. The learned Government Advocate (Cr1.Side) has submitted that the petitioners 1 and 2 are the President and Vice-President of the Panchayat. The petitioners are brothers and due to previous enmity between the petitioners and the defacto complainant, the petitioners have trespassed into the house of the defacto complainant, abused in filthy language and also tried to dash the defacto complainant and his son. The defacto complainant has sustained grievous injuries and his leg and hand fractured. He is still in the hospital. The petitioners also tried to attack the son of the defacto complainant. He further submitted that A1 and A4 were already arrested. Hence, he opposed to grant anticipatory bail to the petitioners.

5. The learned counsel for the Intervenor/defacto complainant submitted that due to previous enmity between the petitioners and the defacto complainant, the petitioners along with others had drove the car and tried to dash the defacto complainant and his son, in which, the defacto complainant sustained injuries. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.



6. Considering the facts and circumstances of the case and also the fact that A1 and A4 were already arrested, therefore, this Criminal Original Petition is dismissed as against the second petitioner, there is no previous case pending against the first petitioner, this Court is inclined to grant anticipatory bail to the first petitioner with certain conditions:

7. Accordingly, the first 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 *Judicial Magistrate Court – 2, Perambalur*, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand Only) each**, 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 conditions that:

(a) 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 1st petitioner/A3 shall report before the respondent police on every Tuesday and Saturday for a period of two months and thereafter before the trial court on all hearing dates without fail and insofar as 2nd petitioner/A4 is concerned, this petition is dismissed since he was already arrested;

(c) the 1st petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the 1st 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 1st petitioner in accordance with law as if the conditions have been imposed and the 1st 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]*; and;

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

gv

07.12.2022

Note : Issue order copy 08.12.2022



WEB COPY



5

T.V.THAMILSELVI,J.

Gv

CrI.O.P.No.29561 of 2022

07.12.2022