

CrI.O.P.No.31196 of 2022

T.V.THAMILSELVI, J.

The petitioner, who apprehends arrest for the alleged offence under Sections 143,147,448,457,380,427 and 506(ii) IPC in Cr.No.256 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that due to land dispute the petitioner's brother was attacked by the husband of the petitioner, as a result of which the petitioner's brother sustained grievous injury and succumbed to the injuries. Hence the petitioner attacked the family members of the defacto complainant and caused injuries to them and also threatened them with dire consequences. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is a innocent person and he has been falsely implicated in this case. He would further submit that there was a case in counter. Hence, he prays to grant anticipatory bail to the petitioner.



4.The learned Government Advocate (Crl.Side) appearing for the respondent submits that due to previous enmity the occurrence took place and there was a case in counter. Hence, he opposed for grant of anticipatory bail.

5. Considering the facts and circumstances of the case and the submissions, 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 Judicial Magistrate, Cheyyur** 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 every Tuesday and Saturday at 10.30 a.m. for a period of three 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.

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