

Crl.O.P.No.569 of 2023

T.V.THAMILSELVI, J.

The petitioners, who apprehend arrest for the alleged offence under Sections 294(b), 323, 324 & 506(2) of IPC in Cr.No.03 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that nine years ago, the defacto complainant obtained a loan of Rs.60,000/- from the 1st petitioner/ArunPrakash. Thereafter the 1st petitioner refused to receive the said amount. On 02.01.2023, the petitioners came to the defacto complainant's agricultural land and attacked him by asking for the said loan amount. Due to attack, the defacto complainant sustained injuries and admitted in hospital. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and the defacto complainant had sustained only simple injuries. He would further submit that there is a case in counter registered against the defacto



complainant. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.side) would submit that the victim suffered greivous injuries. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration the facts and that the petitioner is ready and willing to deposit some amount to the credit of Cr.No.03 of 2023, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioners are directed to deposit totally a sum of **Rs.10,000/- (Rupees Ten Thousand only) to the credit of crime No.03 of 2023 within a period of three weeks from the date on which the order copy made ready**, and on such deposit the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned **District Munsif cum Judicial Magistrate, Madathukulam, Thiruppur**



District, 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, 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 deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only) to the credit of Crime No.03 of 2023 within a period of three weeks** from the date on which the order copy made ready.

[c] the final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of trial.

[d] **the petitioner shall appear before the respondent police daily at 10.30 a.m., for a period of six weeks and thereafter, as and when required for interrogation.**

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[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] the petitioner shall not abscond either during investigation or trial.

[g] 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]**.

[h] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

11.01.2023*vsn***Crl.O.P.No.569 of 2023****11.01.2023**