



CrI.O.P.No.956 of 2023

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G.K.ILANTHIRAIYAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 427, 294(b), 324 and 307 of IPC, subsequently altered into Sections 427, 294(b) and 302 of IPC in Crime No.187 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that on 04.08.2022 at about 22.00 hrs when the respondent was on duty, he received an intimation from the Government Hospital at Dharmapuri and immediately the respondent went to the hospital. At that time, one Saravanan, who was admitted as an inpatient, and his wife namely Sampoorani, who is the defacto complainant, lodged a complaint stating that the defacto complainant is residing along with her family members ; her husband went to their daughter's house by car bearing Registration No.TN 22 BM 5493, TATA INDICA and at about 3.30 p.m., her daughter called and informed the defacto complainant that the said Saravanan was way laid by the petitioner and others and they have assaulted him with ripper wood and also



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damaged car wind shield and threatened him with dire consequences and immediately the defacto complainant rushed to the place of occurrence and saw her husband laying unconscious and immediately she had taken him to the hospital. Hence, the present complaint.

3. The learned counsel for the petitioner would submit that there are totally 5 accused, in which, the petitioner is arrayed as A4. There was previous enmity between the family of the accused and the family members of the deceased. Therefore, the petitioner has been falsely implicated in this case. Even according to the case of the prosecution, when the petitioner was walking on the road to reach his house, the deceased had driven his car in a rash and negligent manner and dashed the petitioner, due to which, he sustained grievous injuries and he fell unconscious. Immediately, he was taken to the Government Hospital, Dharmapuri. Subsequently, he was also discharged on 06.08.2022. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that



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there are totally five accused involved in this case, in which the petitioner is arrayed as A4. Initially, the case was registered in Crime No.187 of 2022 for the offence under Sections 427, 294(b), 324 & 307 of IPC and subsequently it was altered into Sections 427, 294(b) and 302 of IPC.

5. According to the case of the prosecution, the deceased after hitting the petitioner by his car, the petitioner instructed the other accused persons to attack the deceased. Therefore, they attacked the deceased with wooden log, while the deceased was driving. Therefore, he sustained grievous injuries and died.

6. A perusal of the records reveals that the petitioner sustained grievous injuries and he was admitted to the Government Hospital, Dharmapuri, on the date of occurrence, i.e, 04.08.2022. He was discharged only on 06.08.2022. There was previous enmity between both the family members with regard to the marriage between the daughter of the first accused and the relative of the deceased. Due to which, the deceased intended to murder the petitioner herein and assaulted him and



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dashed his car against the petitioner. Thereafter, all the family members of the petitioner attacked the deceased. Therefore, there was no specific overtact as against the petitioner. That apart, A1, A2, A3 and A5 were already arrested and released on bail. Now, the respondent had also completed the investigation and about to file the final report. Therefore, the custodial interrogation of the petitioner does not require in this case.

7. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the 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 learned Judicial Magistrate No.II, Dharmapuri on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with **two sureties out of which one shall be a blood surety** each for a like sum to the satisfaction of the respondent police or the police officer who



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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 report before the respondent police daily at 10.30 a.m., and 05.30 p.m, for a period of four weeks and thereafter as and when required for interrogation.

[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 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]**.

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

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