

CRL.O.P.No.2519 of 2023WEB COPY **T.V.THAMILSELVI, J.**

The petitioner, who apprehends arrest for the alleged offences under Sections 341, 294(b), 323, 324 and 506(ii) of IPC in Cr.No.38 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that there was a property dispute between the petitioner and the defacto complainant, due to which the petitioner abused and attacked the defacto complainant and attacked him and caused head injuries to him. Hence the complaint. .

3.The learned counsel appearing for the petitioner submits that he has no way connected with the alleged occurrence and he has been falsely implicated in this case. However, the learned counsel, on instructions, further submits that the petitioner, without prejudice to his rights, is ready to deposit some amount to the credit of the crime number as imposed by this Court. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.



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4.The learned Government Advocate (Crl.Side) submits that there was some property dispute between the petitioner and the defacto complainant, due to which the petitioner abused and attacked the defacto complainant and attacked him and caused head injuries to him. Hence he opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and that the petitioner on his own volition, is ready to deposit some amount to the credit of the crime number, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to deposit a sum of Rs.50,000/- (Rupees fifty Thousand only) to the credit of Crime No.38 of 2023, within a period of fifteen (15) days and on such deposit, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the **District Munsiff cum Judicial Magistrate, Vaazhapadi** on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand Only)**, with two sureties



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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 is directed to deposit a sum of **Rs.50,000/- (Rupees fifty Thousand only)** to the credit of Crime No.38 of 2023 before the concerned Magistrate within a period of fifteen (15) days and the defacto complainant is permitted to withdraw the said deposit amount of Rs.50,000/- on proper identification and acknowledgment;

(b)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;

(c)the petitioner is directed to appear before the respondent police every Wednesday at 10.30 a.m for a period of four weeks and thereafter, appear before the trial Court on all hearing dates.

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



T.V.THAMILSELVI, J.

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(e)the petitioner shall not abscond either during investigation or trial;

(f)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;

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

07.02.2023

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Crl.O.P.No.2519 of 2023