



Crl.O.P.No.3118 of 2023

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T.V.THAMILSELVI, J.

The petitioner who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 294(b), 323, 324, 506(2) of IPC, in Crime No.15 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that the petitioner and the defacto complainant are relatives, while so, on 20.01.2023, due to land dispute, the petitioner assaulted the defacto complainant with knife thereby causing injuries on head and neck. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that without prejudice their rights, they would ready to deposit some amount to the credit of Crime No.15 of 2023. Hence, he prays for grant of anticipatory bail to



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the petitioner.
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4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner and the defacto complainant are relatives and due to land dispute, the petitioner assaulted the defacto complainant with knife thereby causing injury to him. He further submits that the injured has been discharged from the hospital. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.

6.Considering the facts and circumstances of the case and also the fact that the petitioner without prejudice their rights, ready to deposit some amount to the credit of crime No.15 of 2023 and the also the injured has been discharged from the hospital, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **Judicial Magistrate, Thirukoilur**, 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.15 of 2023**, before the concerned **Magistrate within a period of two weeks from the date on which the order copy made ready** and on such



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deposit, the defacto complainant is permitted to withdraw the said deposit amount of Rs.10,000/- on filing undertaking affidavit and proper identification and acknowledgment;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m, until further orders;

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

(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 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;

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