



Crl.O.P.No.3999 of 2023

Crl.O.P.No.3999 of 2023

T.V.THAMILSELVI,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 324 and 506(ii) IPC in Crime No.17 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that due to previous enmity with regard to pathway dispute, when the husband of the defacto complainant made fencing over the property, the petitioner picked up a quarrel with him, during the quarrel, the petitioner had assaulted him with wooden log and caused damage to the fencing and also threatened him. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and due to previous enmity, a false complaint has been given against him. He would further submit that he has nothing to do with the alleged offence and he is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.



Crl.O.P.No.3999 of 2023

WEB COPY

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that due to previous enmity, when the husband of the defacto complainant made fencing over the property, the petitioner picked up a quarrel with him, during the quarrel, the petitioner had assaulted him with wooden log and caused damage to the fencing and also threatened him. He would further submit that the injured has been discharged from the hospital. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

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

6. Taking into consideration the facts of the case and the submissions made by the learned counsel and also of the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



WEB COPY

7. 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 District Munsif cum Judicial Magistrate, Gummidipoondi, 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 report before the respondent Police daily at 10.30 a.m., for a period of eight weeks.



WEB COPY



Crl.O.P.No.3999 of 2023

[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]**;

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

24.02.2023

vkrr



WEB COPY



Crl.O.P.No.3999 of 2023

T.V.THAMILSELVI,J.

vkf

Crl.O.P.No.3999 of 2023

24.02.2023