



Crl.O.P.No.5532 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 324, 506(ii) of IPC @ Sections 294(b), 307, 324 and 506(ii) of IPC in Crime No.77 of 2023, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Vijayakanath is that on account of property dispute, the accused have assaulted the defacto complainant and his mother with iron rod, resulting in them sustaining injuries. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and due to family dispute on account of property, a false complaint has been given against him. He would further submit that even as per the complaint, the allegations are only attributed as against A1, who has been arrested and granted bail by the learned Sessions Judge, Tiruppur in Crl.M.P.No.467 of 2023. He would also



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submit that the injured have been discharged from the hospital and thereby, he seeks for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that on account of property dispute, the petitioner along with A1 have assaulted the defacto complainant and his mother with iron rods, due to which, they sustained injuries. He would further submit that the injured have been discharged from the hospital. He would also submit that A1 in this case, who has been arrested and released on bail by the learned Sessions Judge. However, he opposed for grant anticipatory bail to the petitioner.

5.Mr.Vignesh, learned counsel appearing for the defacto complainant would vehemently oppose stating that the petitioner had instigated A1 and A1 has brutally assaulted the victims with iron rod, resulting in them, sustaining injuries. He would further submit that the injured have been discharged from the hospital. He would also submit that the petitioner and other accused are still continuing the threat and on



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the complaint given by the defacto complainant, an enquiry has been conducted in C.S.R.No.300 of 2023.

6.This Court had enquired the learned Government Advocate and the learned Government Advocate would submit that no enquiry has been conducted sofar.

7.In reply, the learned counsel for the petitioner would submit that the petitioner is ready to abide by any stringent condition that may be imposed by this Court and they are also ready to stay away. Hence, he prays for grant of anticipatory bail to the petitioner.

8.Taking into consideration the facts of the case and the submissions made by the learned counsel and also of the fact that the injured have been discharged from the hospital and A1 who has been similarly placed co-accused in this case has earlier granted bail by the learned Sessions Judge, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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9. 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, Dharapuram, Tiruppur 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 stay at Salem and report before the Inspector of Police, Fort Police Station, Salem, daily at 10.30 a.m., until further orders.



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[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;

17.03.2023

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