



Crl.O.P.No.6121 of 2023

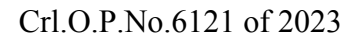
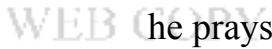
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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 506(1) of IPC and Section 4 of TNPHW Act, 2002 in Crime No.60 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 on 22.02.2023 at about 4.30 p.m, when the defacto complainant and her mother-in-law were going to rice mill, due to previous enmity with regard to pathway dispute, the petitioner along with other accused waylaid them, abused the defacto complainant with filthy language and also assaulted them with hands and threatened them with dire consequences. Hence, the complaint.

3. The learned counsel for the petitioner would submit that due to pathway dispute, the petitioner has been falsely implicated in this case and he has not committed any offence as alleged by the prosecution. He further submit that the injured has been discharged from the hospital. He would also submit that the petitioner is ready and willing to furnish sufficient sureties and



4. The learned Government Advocate (Criminal Side) would submit that, with regard to pathway dispute, the petitioner along with other accused waylaid the defacto complainant, abused him with filthy language and also assaulted him with hands and threatened him with dire consequences. He 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 on either sides and perused the entire materials available on record.

6. Taking into consideration the facts and circumstances of the case and also 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.

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 Judicial



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Magistrate Court No.2, Mettur, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 everyday at 10.30 a.m, until further orders.

[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

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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;

30.03.2023

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