



Crl.O.P.No.6815 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest for the alleged offences under sections 294(b), 323, 324 & 506(ii) of IPC, in Crime No.553 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the *de-facto* complainant, Samanthamani, is that on 26.10.2021, when he was levelling the mud to conceal the water pipe line under the ground, some mud was spilled on the land of one Narayanan (A1), due to which, A1 had abused the de-facto complainant in a filthy language and strangled his neck and further, A1 along with other accused, assaulted the de-facto complainant and his family members, resulting in the de-facto complainant and his family members sustained with grievous injuries. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that earlier, the petitioner has filed an



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application seeking for anticipatory bail before the learned Principal Sessions Judge, Vellore in Crl.M.P.No.48 of 2022 and the learned trial Judge by an order dated 06.01.2022 has granted anticipatory bail to the petitioner on condition to surrender before the concerned Court within one month. However, since the petitioner was unable to furnish the sureties and to surrender before the concerned Court within a period of one month, the anticipatory bail granted by the trial Court in Crl.M.P.No.48 of 2022 dated 06.01.2022 stands dismissed. Thereby, the petitioner has filed this present petition seeking for anticipatory bail. Learned Counsel further submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court, hence, he prayed for grant of anticipatory bail.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that it is the case, where, the petitioner along with other accused had abused the de-facto complainant and his family and assaulted them, causing grievous injuries, when the de-facto complainant was levelling the mud to conceal the water pipe line under



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the ground. He also submitted that the injured has been discharged from the hospital. He further submitted that the petitioner has been granted anticipatory bail by the trial Court on 06.01.2022 and since, the petitioner has not complied with the conditions imposed by the trial Court, the anticipatory bail stands dismissed. Hence, he opposed for granting anticipatory bail to the petitioner.

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

6. Considering the above facts and circumstances of the case, the submissions made by the learned counsel on either side and also considering 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.



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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 Magistrate, Ambur, Vellore District**, on condition that the petitioner shall execute a bond for a sum of **Rs.15,000/- (Rupees Fifteen 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 his 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



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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.

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