



Crl.O.P.No.7004 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, 324 and 307 of IPC, in Crime No.101 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that on account of previous enmity with regard to land dispute. The petitioner along with other accused had attacked the defacto complainant with Aruval on the head and assaulted one Murugan who sustained fracture on his left shoulder. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent persons and a false case has been registered against him. He would further submit that the petitioner and the defacto complainant are relatives and the incident had happened during the family dispute. He would further submit that the injured has been discharged from the hospital and the arrested accused has been granted



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bail by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that the petitioner and the defacto complainant are relatives. Due to land dispute, the petitioner had attacked the defacto complainant with Aruval, resulting him in sustaining injuries. He would further submit that the injured has been discharged from the hospital. The arrested accused had been granted bail by this Court. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the above facts and circumstances of the case and the submissions made on both sides, 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



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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 - II, Ulundurpet**, on condition that the petitioners 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 his Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall stay at Madurai and report before the Othakadai police station 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



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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.

31.03.2023

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