



Crl.O.P.No.7276 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(2) of IPC in Crime No.70 of 2023, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that, due to previous enmity on account of land dispute, the petitioner has assaulted the defacto complainant with wooden log, thereby causing fracture in left leg. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he is a senior citizen and a false complaint has been given against him. He would submit that the defacto complainant is the real aggressor and due to previous enmity, the defacto complainant trespassed into the house of the petitioner with deadly weapons and also threatened him. He would also submit that on the complaint given by the petitioner, a counter case has been registered



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against the defacto complainant and till date no action has been taken by the respondent police and thereby she prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioner on account of dispute with regard to the property has assaulted the defacto complainant resulting him sustaining injury in his left leg. He would further submit that the injured has been discharged from the hospital. Hence, he opposed for grant of 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 and circumstances 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



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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, Thiruporur**, 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 everyday at 10.30 a.m., for a period of two weeks and thereafter every Saturday 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.

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11.04.2023

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