



Crl.O.P.No.7513 of 2023

Crl.O.P.No.7513 of 2023

A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 342, 324 & 506(2) of IPC, in Crime No.33 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Balu is that, the petitioner herein who is the brother of the defacto complainant is residing along with his family in the house back side of the defacto complainant's house. While being so, on 20.03.2023 at about 19.30 hours, there was a wordy quarrel between the petitioner and the defacto complainant with regard to partition of the property, due to which, the petitioner assaulted the defacto complainant and his son with Aruval. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and due to partition of property a false complaint has been given by the defacto complainant against the petitioner. He further submit that he is ready to abide by any condition that may be imposed



Crl.O.P.No.7513 of 2023

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

WEB COPY

4. The learned Government Advocate (Crl. Side) appearing for the respondent Police would submit that the petitioner and the defacto complainant are brothers and on the said date of occurrence, there was a wordy quarrel between the petitioner and the defacto complainant with regard to partition of property, due to which, the petitioner assaulted the defacto complainant and his son with aruval. He further submit that the injured has been discharged from the hospital and the petitioner has no previous case pending against him. Hence, he would vehemently opposed for grant of 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 the submissions made by the learned counsel on either side 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



Crl.O.P.No.7513 of 2023

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 District Munsif cum Judicial Magistrate, Tharangambadi, 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 stay at Chidambaram and report before the Chidambaram Town Police Station everyday at 10.30 a.m, for a period of four weeks. However, it is made clear that the petitioner shall not entered into the jurisdictional limits of the respondent police station for a period of four weeks.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;



Crl.O.P.No.7513 of 2023

A.D.JAGADISH CHANDIRA. J.

drl

[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;

06.04.2023

drl

Crl.O.P.No.7513 of 2023