



Crl.OP.No.11021 of 2023

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K.KUMARESH BABU, J.

The petitioner/A3, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 307 of IPC in Crime No.216 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that there was a land dispute between the petitioner's father and the defacto complainant family, as a result of which, the petitioner's father said to have attacked the defacto complainant's husband. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. The learned counsel further submitted that he does not even present at the place of occurrence and



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hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) would submit that there is no previous case pending against this petitioner. The learned counsel further submitted that there is no specific overt act against this petitioner. However, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Taking into consideration the nature of allegations made against this petitioner and also of the fact that there is no specific overt act against this petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a



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period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.1, Dharmapuri, 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 shall obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police as and when required for interrogation.

[c] the petitioner shall not tamper the evidence or



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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 petitioners 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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