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Crl.O.P.No.13234 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 alleged offences punishable under Sections 147, 148, 294(b), 323, 324 and 506(ii) of IPC and Section 4 of TNPHW Act in Crime No.20 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that on the date of occurrence while the defacto complainant went to perform rituals at a Sivan Temple at Kodaiyanchi river, Tirupathur District, at that time, the petitioner along with the other accused had come to conduct prayers on their behalf. While parking their vehicles, there arose a wordy quarrel between the petitioner and the defacto complainant, as a result, the petitioner and other accused assaulted the defacto complainant and damaged the vehicle of the defacto complainant. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by



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the prosecution and he has been falsely implicated in this case. He would further submit that, in fact, the defacto complainant has assaulted the petitioner in respect of which, the counter case has been registered in Crime No.20 of 2023 on the complaint given by the petitioner and it is a case in counter and based on the ulterior motive, a false complaint has been foisted against the petitioner. He further submitted that the co-accused have been granted anticipatory bail by this Court. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit on the date of occurrence while the defacto complainant went to perform rituals at a Sivan Temple at Kodaiyanchi river, Tirupathur District, at that time, the petitioner along with the other accused had come to conduct prayers on their behalf. While parking their vehicles, there arose a wordy quarrel between them, as a result, the petitioner and the other accused assaulted and damaged the vehicle of the defacto complainant. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.



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

6. Taking into consideration the facts and circumstances of the case and the submission made by the learned counsel on either side and and the fact that the co-accused have already been granted anticipatory bail, 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 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, Vaniyambadi**, 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



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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., 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 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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