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Crl.O.P.No.13738 of 2023

Crl.O.P.No.13738 of 2023 and
Crl.M.P.No.9083 of 2023

G.CHANDRASEKHARAN. J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 324 and 506(ii) of IPC @ Sections 120(B), 294(b), 307 and 506(ii) of IPC in in Crime No.318 of 2023, on the file of the respondent police, seek anticipatory bail.

2. The learned counsel for the petitioners submitted that the petitioners have been falsely implicated in this case registered in Crime No.318 of 2023 for the offences under Sections 294(b), 324 and 506(ii) of IPC @ Sections 120(B), 294(b), 307 and 506(ii) of IPC. Apprehending arrest, this petition is filed seeking anticipatory bail.

3. In response, the learned Government Advocate (Crl. Side) opposed this petition on the ground that, the defacto complainant was



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attacked by the accused in the incident. He suffered contusion injury on left posterior parietal region. He had taken treatment in the Government Hospital as well as, private hospital and now he has been discharged from the hospital.

4. Though Mr.S.Silambuselvan, learned counsel has filed intervening petition, opposing this anticipatory bail petition, when the matter is taken up today, there is no representation for the intervening petitioner.

5. Considered the submissions and perused of records.

6. The entire allegations in FIR, show that the defacto complainant's grandfather one Govindasamy was running a beetalnut shop. In 2018, the shop was leased to one Margabandhu. Thereafter, in 2022, Margabandhu and his Sambandhi Selvamurthy were asked to vacate the shop. On 10.12.2022, Margabandhu and the said Selvamurthy, undertook to vacate the shop within two months time. Defacto complainant's father agreed to pay Rs.9,50,000/- to Margabandhu and



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that, a document was executed in this regard. In February 2023, the defacto complainant offered to pay Rs.9,50,000/- to Selvamurthy, Sambandhi of Markabahdu. But, he refused to receive the money and also refused to vacate the shop. On 10.06.2023, at about 9.00 a.m. the defacto complainant and his sister's son Hariprasad, went to the shop where, one Jeeva and Keerthi who are the son and daughter of Selvamurthy were there. When they were asked to vacate the shop, they told that they will not vacate the shop. Then, Jeeva and Udhayakumar who are the sons of Selvamurthy, started to attack the defacto complainant with knife.

7. The entire allegations as per the first information report is that, the dispute was regarding vacating a shop by the accused. Now it is informed that, the defacto complainant was discharged from the hospital. It is further informed that, the petitioners 1 and 2 have been arrested and remanded to judicial custody. **Therefore, this petition is dismissed as infructuous insofar as the 1st and 2nd petitioners are concerned.**



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8. Taking into consideration that, the 3rd petitioner is a women and the major of part of investigation is over, **this Court is inclined to grant anticipatory bail to the 3rd petitioner with certain conditions.**

9. Accordingly, the 3rd **petitioner** is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate, Polur, Tiruvannamalai District**, on condition that the 3rd **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 3rd **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 3rd **petitioner shall report before the**



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respondent police daily at 10.30 a.m. for a period of two weeks and thereafter, every Saturday at 10.30 a.m., until further orders;

[c] the **3rd petitioner** shall not tamper with evidence or witness either during investigation or trial;

[d] the **3rd 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 **3rd petitioner** in accordance with law as if the conditions have been imposed and the **3rd 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.

Accordingly, this Criminal Original Petition is ordered.

Consequently, connected Miscellaneous Petition is closed.

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