



Crl.O.P.No.14097 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), 323, 324 506(ii) of IPC, in Crime No.371 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant/Sakthikumar is that, he is working as a Manager at Tiruppur North Rotary Crematorium for the past 4 years. On 01.08.2022, when the defacto complainant and his associates were on duty, the relatives of one Kandeswari came along with her dead body for cremation. The defacto complainant asked to pay Rs.3,500/- and the same was not paid by them for which, the petitioner had abused him and assaulted the defacto complainant with helmet, and thereby caused injuries to him. Hence, the case.

3. The learned counsel for the petitioner would submit that the



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petitioner is an innocent person and he has been falsely implicated in this case, since he happens to be the friend of the main accused. He further submit that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate(Crl.Side) would submit that the petitioner along with others had assaulted the defacto complainant for not paying the amount of Rs.3,500 for cremation. He further submit that the injured has been discharged from the hospital. However, he opposed for grant of anticipatory bail to the petitioner.

5. Taking note of the facts and circumstances and the submissions made by the learned counsel on either side and also taking note of 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.

6. 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



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from the date on which the order copy made ready, before the **learned Judicial Magistrate Court No.II, Tiruppur** on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten thousand only) with two sureties** 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 every day 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,



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the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners 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]***; and;

[f] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

27.06.2023

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A.D.JAGADISH CHANDIRA, J.

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