



Crl.O.P.No.14669 of 2023

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G.CHANDRASEKHARAN. J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 323 and 506(ii) IPC in Crime No.167 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. Learned counsel for the petitioner submitted that, petitioner is shown as accused in Crime No. 167 of 2023 for the offences under Sections 294(b), 323 and 506(ii) IPC. The allegations made in the first information report are false. Thus, he prays for granting of anticipatory bail to the petitioner.

3. Learned Government Advocate (Criminal side) submitted that, in connection with a sale of land, petitioner said to have attacked the defacto complainant with a wooden log and caused injuries. The defacto complainant was treated as in-patient and discharged from hospital. Therefore, he prays for dismissing the petition.



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4. Considered the submissions and perused the records.

5. It is seen from the submission of the learned counsel for the parties that, defacto complainant sold 1½ Acres of land in favour of Renuka Devi, daughter of 1st accused Jambulingam. When defacto complainant demanded money, accused refused to pay money. A police complaint was given at Kadampuliyur Police Station. When the matter was pending for enquiry before the panchayat, on 27.05.2023 at 11.30 p.m. the accused had attacked the defacto complainant with wooden log and caused injuries.

6. Considering the reason for the incident that injured had been discharged from hospital and that the material part of the investigation might have been over by this time, custodial interrogation of the petitioner is not necessary.



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7. In such circumstances, 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 No.II, Panrutti**, 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 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.



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[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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