



Crl.O.P.No.14797 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), 307 IPC and Section 3 of Explosive Substances Act, 1980, in Crime No.441 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. Learned counsel for the petitioner submitted that the allegations against the petitioner is that he had accompanied the first accused and verbally abused the defacto complainant. He further submitted that the petitioner has only accompanied the first accused and he has no connection with the case. Therefore this petition.

3. In response, the learned Government Advocate (Crl.Side) submitted that there is enmity between the first accused and the family members of Naveenkumar in connection with the motor accident involving Ajithkumar and Naveenkumar, wherein, Naveenkumar died in the accident. Defacto complainant supported the family of Naveenkumar when they visited Ajithkumar's family to seek explanation for the



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accident. The first accused, not liking the defacto complainant supporting the family of Naveenkumar, on 18.06.2023, along with the other accused, came to the house of the defacto complainant and scolded him in filthy language and Ajithkumar threw after setting fire to the bottles filled with petrol on the house of the defacto complainant and prayed for dismissal of this petition.

4.It is seen that no one got injured in the incident. The allegation against the petitioner is that he accompanied the accused Ajithkumar and scolded the defacto complainant in filthy language.

5.In the circumstances stated, this Court is of the view that custodial interrogation of the petitioner is not necessary. Therefore, this Court is inclined to grant anticipatory bail to the petitioner and 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.I, Mayiladuthurai**, on condition that the petitioner shall execute a bond for



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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.

[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



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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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