



Crl.O.P.No.14872 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 294(b), 506(2), 307 IPC, in Crime No.222 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that due to previous enmity, the petitioner along with two other accused have waylaid the defacto complainant and attempted to commit murder by using the knife. Hence the case.

3. The learned counsel for the petitioner would submit that this is the second anticipatory bail application and the earlier anticipatory bail petition in Crl.OP.No.12933 of 2023 in respect of the petitioner was dismissed on 13.06.2023. He would further submit that this Court had take into consideration the two previous cases registered against the petitioner during



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the year 2019. He would further submit that in the two previous cases, the present defacto complainant is the complainant. He would further submit that there was a long standing enmity and thereby, a false complaint has been given. He further submitted that the other accused have been enlarged on bail subsequently and there is change of circumstances in this case. He would further submit that even as per the FIR, the defacto complainant had alleged that an attempt was made on him and there is absolutely no injury on the defacto complainant and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner on account of previous enmity along with two other accused have attempted to commit murder of the defacto complainant. He would further submit that there are two previous cases, out of which, one case was of the year 2019 and other case was of the year 2020. Hence, he object for grant of anticipatory bail to the petitioner.



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5. In reply, the learned counsel for the petitioner would submit that after the year 2020, there is no case registered against the petitioner and as stated earlier, the complainant in both the cases is the very same defacto complainant.

5. Heard the learned counsel on both sides and perused the entire materials available on record including the First Information Report.

6. Taking into consideration the facts of the case and the submissions made by the learned counsel on either side, 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 No.I, Tambaram, Chengalpattu District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand



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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 stay at Tirunelveli and report before the Tirunelveli Town Police Station 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]**;



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[f] If the accused thereafter absconds, a fresh FIR
can be registered under Section 229A IPC;

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