



WEB COPY



Crl.O.P.No.14778 of 2023

Crl.O.P.No.14778 of 2023

G.CHANDRASEKHARAN. J.

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offences under Section 147, 294 (b), 324, 506 (i) and 307 I.P.C in Crime No.213 of 2023 on the file of the respondent police, seek anticipatory bail.

2.It is the submission of learned counsel for the petitioners that defacto-complainant caused nuisance by having an open drainage in front of his house. On the basis of complaint given by villagers, the Block Development Officials and others made arrangement for closing the open drainage on 16.06.2023. Because of that, the defacto-complainant had given false complaint against the petitioners. Apprehending arrest, this petition is filed for anticipatory bail.

3.In response, the learned Government Advocate (Criminal side) submitted that defacto-complainant along with residents gave representation for closure of drainage in front of defacto-complainant's



CrI.O.P.No.14778 of 2023

house. Instead of closing the drainage, the JCB driver put sand on the drainage and closed the drainage. When it was questioned by the defacto-complainant, JCB owner Kathiravan took the wheels of JCB and tried to kill defacto-complainant. The JCB hit against the defacto-complainant's brother Selvakumar and he suffered injuries on head and face. It is also said that petitioner Kathirvan tried to attack the defacto-complainant with hand. On the basis of complaint, First Information Report in Cr.No.213 of 2023 was registered for the offences under Section 147, 294 (b), 324, 506 (i) and 307 I.P.C.

4.Considered the submissions and perused the records

5.It is seen from the copy of the discharge summary produced by the learned Government Advocate (Criminal side) that Selvakumar suffered fracture in left side nasal bone.

6.Considering the facts that JCB owner Kathiravan/first petitioner took the wheels of JCB and tried to kill defacto-complainant and also hit



Crl.O.P.No.14778 of 2023

the defacto-complainant's brother causing fracture injuries, this Court is not inclined to grant anticipatory bail to the first petitioner. However, the second petitioner was a driver, who had not driven the vehicle at the time when Selvakumar was hit using the JCB. Thus, this petition is allowed in part in respect of the second petitioner and dismissed in respect of first petitioner.

7.Considering the above facts and circumstances of the case, this Court is inclined to grant bail to the second petitioner. Accordingly, the second 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, Palladam**, on condition that the second 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:



Crl.O.P.No.14778 of 2023

[a] the second 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 second petitioner shall report before the respondent police in all working days at 10.30 a.m., until further orders;

[c] the second petitioner shall not tamper with evidence or witness either during investigation or trial.

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

07.07.2023

ep



WEB COPY



Crl.O.P.No.14778 of 2023

G.CHANDRASEKHARAN. J.

ep

Crl.O.P.No.14778 of 2023



WEB COPY



CrI.O.P.No.14778 of 2023

07.07.2023