



Crl.O.P.No.14713 of 2023

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G.CHANDRASEKHARAN. J.

The petitioners who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 294 (b), 323, 324 and 506 (ii) IPC in Crime No.220 of 2023, on the file of the respondent police, seek anticipatory bail.

2.The learned counsel for the petitioners submitted that petitioners are falsely implicated in this case for the reason that they are relatives and there was a previous enmity.

3.In response, the learned Government Advocate (Crl.Side) submitted that the defacto complainant married, a woman from a different community in 2020. The accused, who belonged to the community of the defacto complainant, scolded him for marrying a woman from a different community. On 15.06.2023 at 7.30 p.m., accused had scolded the defacto complainant stating that he married a woman from a different community and delivered a child. The first accused hit the defacto complainant with an iron rod on his head and the



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second accused hit him with his hands. The defacto complainant suffered injuries requiring 5 sutures.

4.Considering the nature of the allegations, this Court expressed that anticipatory bail cannot be granted to the first petitioner as the first petitioner used an iron rod to hit the defacto complainant causing injuries, requiring 5 sutures, the learned counsel for the petitioners prayed for withdrawing the anticipatory bail petition as against the first petitioner and he has also made an endorsement to that effect. Therefore, permission granted and the anticipatory bail petition as against the first petitioner is dismissed as withdrawn.

5.Considering the fact that the allegations against the second petitioner is that he used his hands to beat the defacto complainant, the second petitioner is ordered to be released on bail in the event of his 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, Polur, Tiruvannamalai**, on condition that the second



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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 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 everyday 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,



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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.

6.Accordingly, this petition is dismissed as withdrawn as against the first petitioner and allowed as against the second petitioner.

03.07.2023

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