



Crl.O.P.No.15276 of 2023

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G.CHANDRASEKHARAN. J.

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 323, 324 and 506(ii) of IPC in Crime No.141 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The learned counsel for the petitioners submitted that, petitioners are falsely implicated in this case. The reason for the incident is the overflow of water from the over tank of the defacto complainant's house. When that was questioned by the petitioners, false complaint was lodged by the defacto complainant. Hence, he seeks for grant of anticipatory bail to the petitioners.

3. In response, learned Government Advocate (Crl. Side) submitted that, there was a fight between the defacto complainant and the petitioners in connection with the overflow of water from the over tank of the defacto complainant's house. In the incident, one Thiruppathy lost his three fingers and others suffered severe injuries. Hence, he opposed



for grant of anticipatory bail to the petitioners.

4. Considered the rival submissions and perused the records.

5. It is seen from the FIR allegations that there is a lane in between the defacto complainant's house and the petitioner's house. Water from the over tank of the defacto complainant's house used to let out in the street, once it is filled. As a result, there was a quarrel between the petitioners and the defacto complainant. On 18.06.2023, at about 07.00 p.m., accused Selvam started scolding the defacto complainant and his wife. Selvam also started hitting the defacto complainant's sister Chellammal. Accused Gokul came with Aruval along with Anbudevi, Poongodi and started attacking the defacto complainant's wife Valarmathi and his sister Chellammal. Selvam had attacked Thiruppathi with an Aruval. When Thiruppathi blocked the attack, his three fingers were chopped. He also made criminal intimidation of causing death of the defacto complainant and his family members.



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6. Considering the nature of allegations made in the FIR and the fact that the first petitioner/A1 is responsible for chopping off three fingers in the left hand of one Thiruppathi, this Court is not inclined to grant anticipatory bail to the first petitioner. However, considering the fact that the second petitioner is a women and there is no overt act attributed in the FIR, this Court is inclined to grant anticipatory bail to the second petitioner alone.

4. Accordingly, second petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned Judicial Magistrate No.II, Namakkal**, on condition that the second petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five 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:



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[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, 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].



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

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