



Crl.O.P.No.15254 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), 324, 506(i) of IPC in Crime No.220 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The learned counsel for the petitioner submitted that, petitioner is falsely implicated in a case registered for the offence under Sections 294(b), 324, 506(i) of IPC in Crime No.220 of 2023. There is a counter complaint given by the petitioner against the defacto complainant in Crime No.221 of 2023 and it is pending. Apprehending arrest, this petition is filed.

3. In response, learned Government Advocate (Crl. Side) submitted that, one Palanisamy had stored the sand in the land of the defacto complainant. Defacto complainant removed the sand to some other place. Palanisamy questioned the defacto complainant as to why he had removed the sand and he along with the aid of the petitioner on 01.06.2023 at about 08.10.p.m., had beaten the defacto complainant with



iron rod. As a result, defacto complainant suffered injuries. He was treated in the hospital and then discharged.

4. Considering the nature, facts and circumstances of the case and the injured victim has been discharged from the hospital and that the material part of the investigation might have been over by this time, this Court is inclined to grant anticipatory bail to the petitioner for the reason that, custodial interrogation of the petitioner is not necessary in this case.

5. Accordingly, 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, Sendamangalam**, on condition that the 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 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 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.

12.07.2023

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