



Crl.O.P.No.15446 of 2023

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G.CHANDRASEKHARAN. J.

The petitioners who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 448, 294 (b), 307 & 506 (2) IPC, in Crime No.146 of 2023, on the file of the respondent police, seek anticipatory bail.

2. It is the submission of the learned counsel for the petitioners that petitioners are innocent and they have been falsely implicated in this case. Thus, he prayed for anticipatory bail for the petitioners.

3. In response, the learned Government Advocate (Crl.side) opposed this petition and submitted that due to a land dispute, accused had attacked the defacto complainant. On 28.06.2023, at about 10 a.m., first accused Nandakumar had stabbed the defacto complainant with knife and that resulted in deep injuries. Second accused had instigated the first accused. First accused was arrested and remanded to judicial custody.



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4.Considering the nature of the allegations and the fact that the main accused, who stabbed the defacto complainant, was arrested and remanded to judicial custody, second petitioner, it is alleged, had only instigated the first accused and that the injured had been discharged from hospital, this Court is of the view that custodial interrogation of the second petitioner is not necessary and this Court is inclined to grant anticipatory bail to the second petitioner and 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 No.2, Poonamallee**, on condition that petitioners 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



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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].

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



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5.Accordingly, this Criminal Original Petition is dismissed as infructuous as against the first petitioner and allowed as against the second petitioner.

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14.07.2023

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