



Crl.O.P.No.15559 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 Section 294 (b), 324 & 506 (2) of I.P.C, in Crime No.224 of 2023 on the file of the respondent police, seek anticipatory bail.

2.When this matter was taken up for hearing on 17.07.2023, after hearing the learned counsel appearing for the petitioners, this Court dictated granting of anticipatory bail. Then the learned counsel for defacto-complainant/Intervenor appeared before this Court and submitted that in Crl.O.P.No.15070 of 2023 filed for transfer of investigation, this Court gave an oral direction for securing the accused. The learned counsel also produced photographs to show the nature of injury suffered by the victim/Ganesan. On seeing the nature of injury, that it is, so deep and extensive on the left hand; precisely on forearm (deep open cut injury with peeling of skin), this Court did not release the order and posted the



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matter for clarification on 20.07.2023. From 20.07.2023, it was adjourned to 24.07.2023 and then today. Meanwhile the injured Ganesan/defacto-complainant filed intervention petition in Crl.M.P.No.11449 of 2023. Now the matter is taken up for hearing.

3.The learned counsel for the petitioners submitted that defacto-complainant/Ganesan is only the aggressor and he started the trouble. Defacto-complainant caused injuries to the first petitioner and he was treated in hospital for four days. He has also given a complaint. On the basis of his complaint, First Information Report in Cr.No.266 of 2023 was registered for the offences under Section 447, 294 (b) and 323 I.P.C. In the said circumstances, he seeks anticipatory bail to the petitioners.

4.In response, the learned counsel for defacto-complainant/Intervenor submitted that First Information Report in Cr.No.266 of 2023 was registered subsequent to the registration of defacto-complainant's First Information Report in Cr.No.224 of 2023. Defacto-complainant suffered extensive injury. That is, "Left volar distal



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forearm wound fully contaminated with leaves and exposed flexor tendons and cut palmaris longus with a proximally base thick flap”. This injury is grievous injury in nature. He was admitted in Ganga Hospital, Coimbatore, on 15.06.2023 and discharged on 16.06.2023. There was no bony injury.

5.The learned Government Advocate (Criminal side) submitted that during the course of investigation, First Information Report was altered from 294 (b), 324 & 506 (2) of I.P.C @ 294 (b) and 307 I.P.C. Investigation is pending.

6.Considered the rival submissions and perused the records.

7.It is seen from the First Information Report allegations that there is a property dispute between defacto-complainant and his brother Subramani and Gnanasekaran Reddiar in connection with the partition of land. On 14.06.2023, at about 8.30 a.m. when defacto-complainant was working in his field, Subramani and his wife came there scolded him in



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filthy language. Subramani attacked him with Koduval. When defacto-complainant blocked the attack, he suffered injury on his right wrist and left wrist. Then he made criminal intimidation and escaped from there along with his wife.

8.As narrated above, in the said incident, defacto-complainant suffered grievous injury. Similarly, the discharge summary produced by the petitioner, shows that only a soft tissue injury (assault) was suffered by this petitioner.

9.It is seen from the facts obtained from the First Information Report and submission of learned counsel appearing for parties that there is a property dispute between defacto-complainant and his brother. In the said dispute, first petitioner/Subramani had attacked defacto-complainant with Koduval and caused extensive, grievous injury. Therefore, this Court is not inclined to grant anticipatory bail to the first petitioner/Subramani. However, there is no specific allegations made against the second petitioner/Kamalam and she being a woman, this Court is of the view that



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custodial interrogation of the second petitioner is not necessary. Thus, this Court is inclined to grant anticipatory bail to the second petitioner. 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 Judicial Magistrate Court, Sendamangalam**, 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:

[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



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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.

10.Petition against the 1st petitioner is dismissed.

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