



Crl.O.P.No.15703 of 2023

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G.CHANDRASEKHARAN. J.

The petitioner, Udhaya @ Udhayaprakash, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 147, 148, 323, 324, 307 & 506 (2) IPC and Section 4 of TN Prohibition of Harassment of Women Act, 2002, in Crime No.362 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. Learned counsel for the petitioner submitted that petitioner is an innocent and he has been falsely implicated in this case. Thus, he prays for anticipatory bail for the petitioner.

3. In response, the learned Government Advocate (Crl.Side) submitted that there is enmity between petitioner and the defacto complainant. On 13.06.2023, at about 10 p.m., accused had picked up fight with the defacto complainant's uncle regarding fishing and attacked the defacto complainant's uncle with knife and wooden log. Therefore, defacto complainant and his mother went to the spot. When asked about the incident, they scolded them in filthy language and started attacking



Crl.O.P.No.15703 of 2023

all of them. As a result, they suffered injuries. Injured were treated and discharged from the hospital. The co-accused had been arrested and released on bail.

4.Considering the fact that co-accused had been released on bail and the injured had been discharged, this Court is of the view that custodial interrogation of the petitioner is not necessary and this Court is inclined to grant anticipatory bail to the petitioner. Therefore, the 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 - I, Maduranthakam**, 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:



CrI.O.P.No.15703 of 2023

[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].



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Crl.O.P.No.15703 of 2023

G.CHANDRASEKHARAN. J.

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

20.07.2023

Crl.O.P.No.15703 of 2023