



Crl.O.P.No.17051 of 2023

Crl.O.P.No.17051 of 2023

WEB COPY

G.CHANDRASEKHARAN. J.

The petitioners namely V.Dinesh Kumar, Chinnaiya @ Prakash, B.Sathyaseelam, R.Sathish, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 147, 148, 294(b), 324, 506(2) of IPC in Crime No.221 of 2018 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. In fact, on the basis of the counter complaint given by the petitioner Dinesh Kumar, FIR in Crime No.220 of 2018 was registered. Apprehending arrest, this petition is filed.

3. In response, learned Government Advocate (Crl. Side) submitted that, on 22.09.2018 at about 10.30.p.m., accused in this case, under the influence of alcohol, scolded the defacto complainant. When defacto complainant asked them, as to why they were using abusive words, Dinesh Kumar tried to attack the defacto complainant with iron



Crl.O.P.No.17051 of 2023

rod. When defacto complainant Perumal intervened, he was attacked by Dinesh Kumar with iron rod. As a result, defacto complainant suffered injuries and he was treated in the hospital and discharged.

4. Considered the rival submissions and perused the records. It is seen from the FIR that, alleged incident had happened on 22.09.2018 and there is also a counter case registered in Crime No.221 of 2018. Still now, respondent police have not taken any steps to arrest the accused in both the cases. In the said circumstances, this Court is inclined to grant anticipatory bail to the petitioners for the reason that, custodial interrogation of the petitioners is not necessary.

5. Accordingly, petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned District Munsif Cum Judicial Magistrate, Vedaranyam, Nagapattinam District** on condition that the petitioners shall execute separate 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



CrI.O.P.No.17051 of 2023

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 petitioners 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 petitioners shall report before the respondent police daily at 10.30.a.m., until further orders;

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the



WEB COPY



CrI.O.P.No.17051 of 2023

petitioners 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.

04.08.2023

sma



WEB COPY



Crl.O.P.No.17051 of 2023

G.CHANDRASEKHARAN. J.

sma

Crl.O.P.No.17051 of 2023

04.08.2023