



Crl.O.P.No.16176 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 341, 294(b), 307 of IPC in Crime No.227 of 2023** on the file of the respondent police, seeks anticipatory bail.

2. Learned counsel for the petitioner submitted that there is no specific overt act attributed against the petitioner in FIR and he is falsely implicated in this case. Apprehending arrest in Crime No.227 of 2023 for the offences under Sections 341, 294(b), 307 of IPC, this petition is filed by the petitioner.

3. In response, learned Government Advocate (Criminal side) submitted that, there is a previous enmity between the *de-facto* complainant and Kaviarasan. On 12.06.2023, at about 5.00 p.m., when *de-facto* complainant was going near Ponniyamman Koil, Kaviarasan and his friends, Nagenthiran, Manimaran and Soundharrajan, waylaid him. Kaviarasan attacked him with knife.



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When *de-facto* complainant tried to block him, he suffered injuries on his right hand. Nagenthiran tried to attack him with his knife. He tried to block him with left hand and suffered injuries. Manimaran also attacked him on his head with knife, after getting the knife from Kaviarasan.

4. From the FIR allegations, it is seen that there is no specific overt act attributed against this petitioner and not even his presence is mentioned in the FIR. It is informed that, the injured was treated and discharged from the hospital. Co-accused was also arrested and released on bail in Crl.M.P.No.2749 of 2023. Hence, this court is of the view that custodial interrogation of the petitioner is not necessary. 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, Ambattur**, 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



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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 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.



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[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.

25.07.2023

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