



Crl.O.P.No.16612 of 2023

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G.CHANDRASEKHARAN. J.

The petitioners namely B.Kumar, B.Selvam and C.Anandakumar, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 323, 324 and 506(ii) IPC in Crime No.1183 of 2020 on the file of the respondent police, seek anticipatory bail.

2. Learned counsel for the petitioners submitted that, petitioners are falsely implicated in this case in Crime No.1183 of 2020 for the offences under Sections 294(b), 323, 324 and 506(ii) IPC. Petitioners are innocents. Apprehending arrest at the hands of the respondent, this petition is filed.

3. Learned Government Advocate (Criminal side), opposes this petition, on the ground that, defacto complainant is a cashier of a sand quarry. 1st accused is a lorry driver, 2nd accused is the brother of 1st accused and 3rd accused is the relative of 1st accused. On 22.09.2020, at about 8.00 a.m., 1st accused Kumar came in a lorry bearing No.TN 22 AE 8080 with sand. Defacto complainant and his co-worker informed him that a new road is being formed and asked them to come after sometime. Angered at this,



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Kumar scolded him in filthy language. Kumar called his brother through phone. 1st accused's brother came to the place after 30 minutes and threw a knife at him. It hit his left eye and caused injury. Thereafter, first information report came to be registered, on the basis of the complaint given by the defacto complainant. Injured had been treated and discharged from the hospital. Thus, he prays for dismissal of this petition.

4. Considering the fact that, though first information report is registered in the year 2020, respondent police have not chosen to arrest the petitioner till now, shows that, they do not require the accused in this case to be arrested for the purpose of investigation and also considering the fact that, injured had been treated and discharged from the hospital and that substantial part of the investigation might have been over by this time, this Court is of the view that, custodial interrogation of the petitioners is not necessary and the petitioners are 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 Court, Sriperumbudur**, on condition that the petitioners shall execute separate



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bonds 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:

[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 everyday 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 petitioners released on



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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.

28.07.2023

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