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Crl.O.P.No.19488 of 2023

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G. CHANDRASEKHARAN, J.,

The petitioner namely Munusamy, who apprehends arrest at the hands of the respondent police for the offence under Sections 294(b), 341, 307, 120B of IPC in Crime No.230 of 2023 on the file of the respondent seeks anticipatory bail.

2. The learned counsel for the petitioner submitted that, petitioner is an innocent person and he has been falsely implicated in a case registered for the offence under Sections 294(b), 341, 307, 120B of IPC in Crime No.230 of 2023. Apprehending arrest, this petition is filed.

3. In reply, the learned Additional Public Prosecutor submitted that, one Arjunan had entered into sale agreement with Munusamy, who is the petitioner herein. Munusamy had paid advance amount to Arjunan. Later, Arjunan repaid the advance amount to Munsamy stating that he prepared to sell the property to defacto complainant's father. Angered at this, on 14.05.2023 at about 05.00.p.m., petitioner along with other



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accused attacked the defacto complainant, where he was working in his field at Ilankadu. During the said attack, petitioner abetted the other accused to cause injuries to the the defacto complainant. A1 attacked the defacto complainant with knife on his neck. As a result, defacto complainant suffered laceration injuries measuring 30x15x10cm. A1 in this case was arrested and still in jail. Investigation in this case is pending. Hence, he opposed for grant of bail to the petitioner.

4. Considered the rival submissions and perused the records.

5. This is the second anticipatory bail petition. The earlier anticipatory bail petition filed by the petitioner in Crl.O.P.No.14606 of 2023 was dismissed on 13.07.2023. Despite the dismissal of the first anticipatory bail petition, the respondent police had not taken any steps to arrest the petitioner. Further, it is informed that A1 was granted bail by this Court.



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6. Taking into consideration the facts of the case and to take the case to the next level, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, 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 No.II, Villupuram** 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:

[a] 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 daily at 10.30.a.m., until further orders.



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[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness 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].

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

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