



Crl.O.P.No.16998 of 2023

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G.CHANDRASEKHARAN. J.

The petitioner namely Shanmugam, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 324 and 506(ii) IPC in Crime No.197 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The learned counsel for the petitioner submitted that, petitioner is innocent and he has been falsely implicated in a case registered for the offences under Sections 294(b), 324 and 506(ii) IPC in Crime No.197 of 2023. Apprehending arrest, this petition is filed.

3. In response, learned Government Advocate (Crl. Side) submitted that, one Elanjezhiyan and Saroja had issues. On 29.06.2023, at about 9.30 a.m., when they had a fight, defacto complainant tried to resolve the issue. He asked Saroja's son Shanmugam to go home. Angered at this, Shanmugam beaten with iron rod on the forehead of the defacto complainant. As a result, defacto complainant suffered simple injuries. He further submitted that, injured had been treated and



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discharged from the hospital. Therefore, he prays for dismissal of this petition.

4. Considering the nature of the incident and that injured had been treated and discharged from the hospital and that material part of the investigation might have been over by this time, this Court is inclined to grant anticipatory bail to the petitioner for the reason that custodial interrogation of the petitioner is not necessary and petitioner is 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 Judicial Magistrate, Thiruthuraipoondi**, on condition that the petitioner 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 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.

[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.

03.08.2023

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