



Crl.O.P.No.18273 of 2023

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RMT.TEEKAA RAMAN, J.

The petitioner, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 294(b), 324 and 506(ii) of IPC, in Crime No.418 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to money dispute, the the de-facto complainant has threatened his uncle (chithappa)frequently to execute a sale deed in favour of him. On the date of occurrence, the petitioner was threatened by the de-facto complainant and tried to assault him, to take her private defence the petitioner escaped from the attack of the de-facto complainant's husband himself fell down and he sustained injury. Hence the case.

3. The learned Counsel for the petitioner would submit that the petitioner are innocent persons and due to money dispute, a false complaint has been given against him. He would further submit that de-



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facto complainant's husband trying to grab the said property from the petitioner. Since, the petitioner doesn't have any issues, taking advantage on the instigation of the de-facto complainant, the victim had quarreled with the petitioner regarding the property. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that due to previous enmity regarding money dispute, the petitioner was threatened by the de-facto complainant and tried to assault him, to take her private defence the petitioner escaped from the attack of the de-facto complainant's husband himself fell down and he sustained injury. However, he opposed for grant of anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record including the FIR.



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6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel on either side and also of the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the 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 District Munsif Cum Judicial Magistrate, Uthiramerur** on condition that the petitioner shall execute a separate bond for a sum of **Rs.10,000/- (Rupees Ten 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 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.



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[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.

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

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