



Crl.O.P.No.18463 of 2023

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WEB C **RMT.TEEKAA RAMAN, J.**

The petitioner, who apprehends arrest for the alleged offences under Sections 147, 294(b), 324, 506(i) and 307 of IPC in Crime No.213 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that he along with residents gave representation for closure of drainage in front of defacto complainant's house. Instead of closing the drainage, the JCB driver put sand on the drainage and closed the drainage. When it was questioned by the defacto complainant, JCB owner Kathiravan/petitioner herein took the wheels of JCB and tried to kill the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioner would submit that this is the second application for anticipatory bail filed by the petitioner and the earlier application for anticipatory bail was dismissed by this Court on 07.07.2023



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on the ground that the petitioner caused fracture to the brother of the defacto complainant. He would further submit that the defacto complainant caused nuisance by having an open drainage in front of his house and the Block Development Officials and others made arrangement for closing the open drainage on 16.06.2023, for which, the defacto complainant has given a false complaint. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (crl.side) appearing for the respondent Police would submit that the injured victim has been discharged from the hospital.

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

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and also taking note of the fact that the injured victim has been discharged from the



hospital, this Court is inclined to grant bail to the petitioner with certain conditions.

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 Judicial Magistrate, Palladam**, on condition that the petitioner shall execute a 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.

[b] the petitioner shall report before the respondent police on all working days at 10.30 a.m., until further orders;



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[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 absconds, a fresh FIR can be registered under Section 229A IPC;

24.08.2023

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