



Crl.O.P.No.19867 of 2023

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G. CHANDRASEKHARAN, J.,

The petitioners namely Anjamani, Sathiyaraj, Veeramani, who apprehend arrest at the hands of the respondent police for the offence under Sections 452, 294(b), 323, 324, 506(ii) and 307 of IPC in Crime No.409 of 2023 on the file of the respondent seeks anticipatory bail.

2. The learned counsel for the petitioners submitted that, there was a fight between two groups. In the said fight, petitioners namely A1, A2 & A4 also suffered injuries. On the basis of the complaint given by 3rd petitioner namely Veeramani, FIR in Crime No.413 of 2023 was registered against the defacto complainant and three others.

3. Further, the learned counsel for the petitioners submitted that he is not pressing this petition as far as the petitioners 1 and 2 are concerned and he has also made an endorsement to that effect in the court bundle. It is also informed that the injured was discharged from the hospital. Thus, he seeks anticipatory bail for the 3rd petitioner.



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4. However, learned Additional Public Prosecutor opposes the petition on the ground that, though the case was originally registered under Sections 452, 294(b), 323, 324 & 506(ii) of IPC, subsequently it is altered into Sections 452, 294(b), 323, 324, 506(ii) and 307 of IPC. The allegations are that, due to previous enmity, on 19.06.2023 at about 10.00.a.m., when the defacto complainant was in his house, one Anjamani had trespassed into his house and scolded in filthy language and hit him. Anjamani's brother Sathiyaraj, Veeramani and Sathish joined together and started attacking the defacto complainant with Aruval. When defacto complainant's father tried to intervene, he was also attacked with aruval on his head. When defacto complainant's nephew Murugan tried to protect the injured, he was also attacked by the accused persons. Anjamani attacked Murugan with big stone on his right leg. As a result, he suffered fracture injuries. All the three suffered extensive injuries. Hence, he vehemently opposed for grant of bail to the 3rd petitioner.

5. Considered the rival submissions and perused the records.



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6. This is the second anticipatory bail petition. The earlier anticipatory bail petition filed by the petitioner in Crl.O.P.No.15803 of 2023 was dismissed on 20.07.2023. Despite the dismissal of the first anticipatory bail petition, the respondent police had not taken any steps to arrest the 3rd petitioner.

7. (i) Taking all these facts into consideration, this Court is inclined to grant anticipatory bail to the 3rd petitioner.

(ii) Considering the submission of the learned counsel for the petitioners, this anticipatory bail petition against 1st and 2nd petitioners alone is dismissed as not necessary.

8. Accordingly, 3rd 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, Ulundurpet** on condition that the 3rd petitioner shall execute separate bond for a sum of **Rs.25,000/- (Rupees**



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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 3rd petitioner shall report before the respondent police daily at 10.30.a.m., until further orders

[c] the 3rd petitioner shall not abscond either during investigation or trial.

[d] the 3rd 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 3rd 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].



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

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