



Crl.O.P.No.20488 of 2023

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G.CHANDRASEKHARAN. J.

The petitioner, Selvaraj, who apprehends arrest for the alleged offence under Sections 294 (b), 324 & 307 IPC, in Crime No.73 of 2023, on the file of the respondent police seeks anticipatory bail.

2.The learned counsel for the petitioner submitted that petitioner is an innocent person and he has been falsely implicated in this case. Thus, he prays for anticipatory bail for the petitioner.

3.In response, the learned Government Advocate (Crl.Side) submitted that there was previous enmity between the second accused and the defacto complainant. On 13.06.2023, at about 4.30 p.m., accused had thrown stones at the house of the defacto complainant. When defacto complainant came and questioned, accused scolded her in filthy language and made death threat. She was also beaten by the accused. Accused Adhi and Selvaraj attacked the defacto complainant with iron rod and accused Naveen and Rajkumar attacked her with wooden logs.



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As a result, she suffered grievous injuries. He further submitted that the injured was treated and discharged from the hospital. However, he prayed for dismissal of this petition.

4.This is the second anticipatory bail petition. Earlier anticipatory bail petition filed in CrI.O.P.No.15579 of 2023 was dismissed on 17.07.2023. Even thereafter, the respondent police have not taken any steps for arresting the petitioner. Considering this fact and also that this case has to move forward with the participation of the accused, this Court is inclined to grant anticipatory bail for the petitioner.

5.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, Vandavasi**, 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



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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 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



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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.

05.09.2023

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