



CrI.O.P.No.19828 of 2023

Orders Reserved on
07.09.2023

Orders Pronounced on
14.09.2023

CrI.O.P.No.19828 of 2023

RMT. TEEKAA RAMAN.,J.

The petitioner who is A8 in Crime No.194 of 2022 apprehends arrest at the hands of the respondent Police for alleged offence under Sections 147, 148, 341, 302 of IPC, seeks anticipatory bail. The respondent herein had registered FIR No.194 of 2022 wherein the petitioner is named as A.8 and there are total of eight accused in the above FIR.

2 (i). FIR is based on the complaint of one Poonkothai w/o late Ramamoorthi. The crux of the content of the FIR is that the complainant's late husband and the accused A1-A.5 had land disputes for the past 25 years pertaining to S.No.316/1-A measuring to an extent of 3 acres and 60 cents. On 12.12.2022 when the said late Ramamoorthi was travelling from the above mentioned land, the accused A.1-A7 and the petitioner/A.8 chased her husband Ramamoorthi. Thereafter, when Ramamoorthi tried to escape, Moorthi/A.6 and Logu/A.3 crashed their two wheeler vehicle into late Ramamoorthi's vehicle and he fell down. The complaint further states that



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after the late Ramamoorthi fell down, the Accused A.1 allegedly said "avanaivetungada" (which translates to "Cut him") and Murali/A.2, Logu/A.3 and Magendiran(A.4) took their knives from the vehicle and stabbed Ramamoorthi while Kotteshwaran/A.5 was holding Ramamoorthi.

3 (i). Mr.P.Wilson, learned Senior Counsel appearing for the petitioner, based upon the averments in the complaint would state that there is no allegation of wrong doing against the petitioner herein and the next submission is that even as per the contents of the FIR, it is highly improbable and merely because he has happened to be son of A.1 who is a Panchayat President, he has been falsely implicated in this case.

4. Mr.Sankarasubbu, the learned counsel for intervenor would contend that the petitioner herein is one of the person who guarded the petitioner/accused from playing the fleeing from the scene.

5. The learned Government Advocate (Crl.side) would state that A.2 to A.6 were arrested and subsequently granted bail by the learned Sessions Judge. A.7 has been granted anticipatory bail by this Court in



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Crl.OP No.9408 of 2023 on 27.04.2023 and as against A.1, the petition was dismissed by this Court on 17.08.2023 in Crl.O.P.No.16794 of 2023. He would further submit that investigation has been completed and the matter is ready for drafting charge sheet.

6. After perusing the documents filed by both the parties, I find that the deceased has sustained twenty injuries. A.8 is Son of A.1. The case of the prosecution is that due to previous enmity in respect of land wherein in a civil suit initiated by the deceased against the accused, while the accused party is in possession of the property have succeeded in both the courts below and it is represented by the learned counsel for the petitioner /accused herein that in the Second Appeal, there was a reversal of judgment which is alleged to have led to the incident. On 12.12.2022, when the defacto complainant's husband alongwith his brother came out from the land, at that time, it is alleged that they said to have attacked the deceased with knife and caused him to death.

7. Informant is wife of the deceased. A.2 to A.5 were already arrested and granted default bail and A.7 who is having similar overtact as



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that of A.8, has already been granted anticipatory bail by this Court in Crl.OP No.9408 of 2023 on 27.04.2023. In view of the anticipatory bail granted to A.7 who is alleged to have similar overtact and also considering the overtact alleged against the petitioner herein that he drove one of the two wheeler, I am inclined to grant anticipatory bail to the petitioner.

8. 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 No.III, Thirupathur** 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:



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[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 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.



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RMT. TEEKAA RAMAN., J.

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Per-Delivery order in
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