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Crl.O.P.No.20899 of 2023

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**G.CHANDRASEKHARAN. J.**

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Section 294(b), 323, 324 & 506(ii) I.P.C in Crime No.300 of 2023, on the file of the respondent police, seeks anticipatory bail.

2.The learned counsel for the petitioner submitted that, petitioner is falsely implicated as accused in this case. There is a previous enmity between defacto-complainant and the petitioner. Due to which, false and exaggerated complaint was given by the defacto complainant. Apprehending arrest, this petition is filed.

3.The learned counsel appearing for the defacto complainant/intervenor submitted that, in the incident defacto complainant/Easwaran suffered fracture injuries in his left leg and his wife Palaniyathal also suffered injuries.



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4. The learned Additional Public Prosecutor reiterated the fact that, both the defacto complainant and his wife suffered injuries.

5.Considered the rival submissions and perused the records.

6.This is the second anticipatory bail petition. Earlier anticipatory bail petition filed in Crl.O.P.No.14745 of 2023 was dismissed on 18.07.2023.

7.It is seen from the FIR allegations that, there is a previous enmity between the petitioner and the defacto complainant. On 20.06.2023 at about 10.30.a.m.,when defacto complainant was grazing cattle 1<sup>st</sup> accused had come there and beaten the cows. When defacto complainant questioned, as to why he was beating the cow, 1<sup>st</sup> accused had scolded the defacto complainant in filthy language. Thereafter at about 11.30.a.m., when defacto complainant and his wife were standing in front



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of their house, Rajkumar came there with Kadaparai and hit the defacto complainant and his wife on their legs and also with iron rod. As a result, both the defacto complainant and his wife suffered grievous injuries.

8.The treatment summary of the defacto complainant shows that:

*Assault with right left both bone, Right middle finger laceration, punctured wound left leg.*

9.Similarly, the treatment summary of the defacto complainant's wife shows that:

*Assault with head injury, left side scalp haematoma, abrasion left ear pinna.*

10.Now, the learned counsel for the petitioner submitted that the earlier anticipatory bail petition filed by the parents of the petitioner in Crl.O.P.No.18057 of 2023 was allowed on 23.08.2023, subject to a condition of payment of Rs.1,75,000/- to the credit of crime No.300 of 2023, towards the medical expenses of the injured. Accordingly,



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petitioners in Crl.O.P.No.18057 of 2023 deposited the said amount.

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11.In the light of his submissions and the fact that despite the dismissal of the earlier anticipatory bail petition on 18.07.2023 filed in Crl.O.P.No.14745 of 2023, the respondent police have not evinced interest in arresting the petitioner and that the participation of the petitioner is necessary for taking the case to the next level, this Court is of the view that the petitioner may be granted anticipatory bail with conditions.

12.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, Dharapuram**, 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 the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further



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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 morning at 10.00 a.m. and evening at 5.00 p.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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**G.CHANDRASEKHARAN. J.**

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