



Crl.O.P.No.21242 of 2023

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WEB CMT.RMT.TEEKAA RAMAN, J.

The Petitioner, who apprehends arrest at the hands of the Respondent police for the offence punishable under Sections 294 (b) & 304 (ii) of IPC in Crime No.269 of 2023 on the file of the Respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the Petitioner along with other accused pushed the Defacto Complainant's husband in a boundary dispute, due to which, he died while taking to the Hospital. Hence the complaint.

3.The learned Counsel for the Petitioner would submit that on 28.06.2023 the deceased entered into the Petitioner's boundary and attempted to encroach the Petitioner's property by fencing it, when the same was questioned, wordy quarrel arose between them. The Petitioner never push down the Defacto Complainant's husband. Hence, the learned counsel for the Petitioner prays for grant of anticipatory bail to the Petitioner.

4.The learned Government Advocate (Crl. Side) for the Respondent would submit that the matter is arising out of a civil dispute, when A1 pushed the Defacto Complainant's husband, he died and the present Petitioner is A2. He vehemently opposed to grant anticipatory bail to the Petitioner.

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



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6.Taking into consideration the facts and circumstances of the case and also the submissions made by the learned counsel on either sides and the fact that when A1 pushed the Defacto Complainant's husband, he passed away, A1 was already arrested and released on bail and there is no overtact against the present Petitioner/A2, this Court is inclined to grant anticipatory 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 I, Mayiladuthurai**, 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:

[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., for a period of three weeks and**



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thereafter as and when required;

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

20.09.2023

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