



Crl.O.P.No.20804 of 2023

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RMT.TEEKAA RAMAN, J.

The petitioner, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 323, 324, 427 and 506(ii) of I.P.C in Crime No.266 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioner entered into the property of de-facto complainant and tried to cut electricity connection by removing fuse plug. When the de-facto complainant tried to restrain the petitioner he attacked the de-facto complainant and his sons and damaged property and two wheeler worth of Rs.1.25 lakhs and the they got injured in the said quarrel. Hence the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person the he has been falsely implicated in this case.. Hence, he prayed for grant of anticipatory bail to the petitioner.



Crl.O.P.No.20804 of 2023

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4. The learned Government Advocate (Criminal Side) for the respondent would submit that the petitioner and the de-facto complainant were brothers and due to previous enmity, the petitioner assaulted the de-facto complainant by using iron rod and damaged property and the de-facto complainant and sons sustained injury. Hence, he opposed for grant of anticipatory bail to the petitioner.

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

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel on either side, the petitioner is in possession of the property and the de-facto complainant who is the petitioner's brother trying to interfere in the property, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, **petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of Crime No.266 of 2023, under non-refundable deposit before the concerned Magistrate from the date of receipt of a copy of this order,** the petitioner is ordered to be released on bail in the event of arrest or on



CrI.O.P.No.20804 of 2023

WEB COPY

his appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate, Cheyyur**, 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 is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of Crime No.266 of 2023, under non-refundable deposit before the concerned Magistrate from the date of receipt of a copy of this order;**

[c] **the petitioner shall report before the respondent Police, everyday at 10.30 a.m., until further orders;**



Crl.O.P.No.20804 of 2023

[d] the final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of the trial;

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] the petitioner shall not abscond either during investigation or trial.

[g] 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]**.

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

08.09.2023

nvi



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Crl.O.P.No.20804 of 2023

RMT.TEEKAA RAMAN, J.

nvi

Crl.O.P.No.20804 of 2023

08.09.2023