



Crl.O.P.No.21340 of 2023

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WEB CRI. RMT.TEEKAA RAMAN, J.

The Petitioner, who apprehends arrest at the hands of the Respondent police for the offence punishable under Sections 294(b), 323 & 506(ii) of IPC in Crime No.335 of 2023 on the file of the Respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 29.08.2023 at about 4 pm, the defacto complainant, who is the Supervisor of a constructions company involved in construction of rain water draining canal at Periya Eachankuzhi junction, using Poclain machine, the Petitioner objected and threatened him and other workers with dire consequences. Hence the complaint.

3.The learned Counsel for the Petitioner would submit that the Defacto Complainant without following any safety precautions started digging earth very close to the shops of the Petitioner, even after the request made by the Petitioner, they neglect the same and went to the extent to abuse the Petitioner with filthy language and threatened him. Though the Petitioner gave a complaint, the Respondent received the counter complaint of the Defacto Complaint and registered the case. 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



vehemently opposed to grant anticipatory bail to the Petitioner.

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

6.Taking into consideration the facts and circumstances of the case and also the submissions made by the learned counsel on either sides and nature and gravity of the offences, 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 II, Ponneri**, 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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