



Crl.O.P.No.27089 of 2022

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T.V.THAMILSELVI, J.

The petitioner who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 294(b), 323, 324 and 506(ii) of IPC @ 294(b), 323, 324 and 302 of IPC in Crime No.221 of 2022, seek anticipatory bail.

2.The case of the prosecution as per the defacto complainant Murugan is that the accused during a quarrel in a shop, had assaulted his brother with iron rods, due to which, he sustained injuries and he was admitted in Thirupathur Government Hospital for treatment. Initially, a case was registered for the offences punishable under Sections 294(b), 323, 324 and 506(ii) of IPC and later, since, the victim succumbed to injuries on the next day, the case was altered to one for the offences punishable under Sections 294(b), 323, 324 and 302 of IPC.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he was present at the scene of occurrence, other than that there is no allegation as against the



Crl.O.P.No.27089 of 2022

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petitioner. He would further submit that the co-accused in this case have already been enlarged on bail by this Court in Crl.O.P.No.24161 of 2022 on 10.10.2022. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner during the quarrel had assaulted the defacto complainant's brother with iron rods and hands, due to which, he sustained injuries and he was taken to the hospital. He would also submit that originally, based on a complaint given by the defacto complainant, a case was registered for the offences punishable under Sections 294(b), 323, 324 and 506(ii) of IPC and later, since, the victim succumbed to injuries on the next day, thereby, the case was altered to one for the offences punishable under Sections 294(b), 323, 324 and 302 of IPC. He would further submit that the investigation has been completed. However, he opposed for grant of anticipatory bail to the petitioner.



Crl.O.P.No.27089 of 2022

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5.Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.

6.Considering the facts and circumstances of the case and the submissions made by the learned counsel and also of the fact that the investigation has been completed, 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 No.II, Thiruppathur, on condition that the petitioner shall execute a 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



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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 station daily at 10.30 a.m., for a period of two months.

(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]*; and;



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Crl.O.P.No.27089 of 2022

(f)if the accused thereafter absconds, a fresh
FIR can be registered under Section 229-A IPC;

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04.01.2023



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Crl.O.P.No.27089 of 2022

T.V.THAMILSELVI, J.

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Crl.O.P.No.27089 of 2022

04.01.2023