



Crl.O.P.No.23164 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offences under Section 328 of IPC in Crime No.287 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. It is the submission of the learned counsel for the petitioner that the petitioner has been falsely implicated as an accused in Crime No.287 of 2023 registered for the offences under Section 328 of IPC. Thus, he prays for grant of anticipatory bail to the petitioner.

3. It is stated by the learned Government Advocate (Criminal side) that the petitioner had taken a chit from the defacto complainant's chit company and had not repaid the instalments. When the defacto complainant sought for repayment, he was asked to come to the house of the petitioner herein. Further the petitioner took the defacto complainant in a motor cycle and is said to have injected rat poison. The defacto complainant has been, however, discharged from the hospital.



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4. Taking into consideration the quarrel that arose from chit dispute, for which alternate remedy is also available and taking an over all consideration of the entire facts of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

5. 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, Kodumudi** 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 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.



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[b] the petitioner shall report before the respondent Police, daily at 10.30 a.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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