



Crl.O.P.No.23897 of 2023

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**C.V.KARTHIKEYAN, J.**

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 147, 148, 294(b), 323, 324, 506(ii), 307 of IPC in Crime No.313 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant's husband had proposed to buy a land owned by Mr.Palani and had given representation to RDO to transfer the revenue records of the same. The Accused No.2 was in the possession of the said land. In these circumstances a wordy quarrel was arose between the Defacto Complainant's husband and Accused No.2 and assaulted each other. Since the petitioner accompanied with the main accused. Hence, the complaint.

3. The learned counsel for the petitioner stated that the petitioner was falsely implicated in this case. The learned counsel for the petitioner further submits that the petitioner has been arrayed as Accused



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No.8 in this case. This petitioner is an innocent person and he has not committed any offence as alleged by the respondent. Hence, he prays for grant of anticipatory bail.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police stated that all the accused joined together and committed an offence as alleged. Insofar as the present petitioner in concerned, he had assaulted the injured with a wooden block. The injured had been discharged from hospital. He further states that A1 to A3 and A7 had been taken into custody and bail was granted. There is one previous case as against this petitioner. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration of the above facts, this Court is inclined to grant anticipatory bail to the petitioner herein with certain conditions.

6. 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 **District Munsif cum Judicial Magistrate, Kalasapakkam** on condition



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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.

**[b] the petitioner shall appear 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.



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[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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