



Crl.O.P.No.32342 of 2022

WEB COPY

Crl.O.P.No.32342 of 2022

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, 324 352 and 506(ii) of IPC, in Crime No.521 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that when the de-facto complainant's cow grazed the hays kept in the petitioner's house, there was a quarrel between the petitioner and the de-facto complainant, during which, the petitioner abused the de-facto complainant in a filthy language and assaulted him with iron rod, resulting in him sustaining fracture on his left hand. Hence the case.

3. Learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that due to the previous enmity, the de-facto complainant has lodged a false complaint against the petitioner. He further submitted that the



CrI.O.P.No.32342 of 2022

petitioner is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.

4. Learned Government Advocate (CrI.Side) appearing for the respondent police submitted that the petitioner has abused and assaulted the de-facto complainant, causing grievous injuries, when the de-facto complainant's cow grazed over the hays kept in the petitioner's house. He further submitted that the injured has been discharged from the hospital. He also stated that three previous cases are pending as against the petitioner, out of which two cases have been disposed of. However, he opposed to grant anticipatory bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner, on instructions, submitted that without prejudice to the rights, the petitioner is ready to deposit the amount of Rs.20,000/- to the credit of the crime number. Hence, he prays for grant of anticipatory bail to the petitioners.

6. Heard the learned counsel for the petitioner and the learned



CrI.O.P.No.32342 of 2022

Government Advocate (CrI.Side) for the respondent and perused the entire materials available on record.

7. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner and also taking note of the fact that the petitioner is volunteered to pay a sum of Rs.20,000/- to the credit of the Crime No.521 of 2022, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. 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.I, Kancheepuram**, 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:



CrI.O.P.No.32342 of 2022

[a] the petitioner shall deposit a sum of Rs.20,000/- (Rupees Twenty thousand only) to the credit of Crime No.521 of 2022 before the learned Judicial Magistrate No.I, Kancheepuram, within a period of two weeks from the date of receipt of a copy of this order and on such deposit, the de-facto complainant is permitted to withdraw the same, on filing undertaking affidavit and proper identification and acknowledgment."

[b] 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;

[c] the petitioner shall report before the respondent police every Wednesday at 10.30 a.m. for a period of three months and thereafter, as and when required for interrogation;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner shall not abscond either during investigation or trial;

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take



CrI.O.P.No.32342 of 2022

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]**;

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

05.01.2023

ham



WEB COPY



Crl.O.P.No.32342 of 2022

T.V.THAMILSELVI,J.

ham

Crl.O.P.No.32342 of 2022

05.01.2023