



Crl.O.P.No.27820 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner in Crime No.65 of 2023, registered under Sections 147, 148, 294(b), 353, 324, 506(ii) and 307 IPC, seeks anticipatory bail.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) appearing for the respondent.

3. The grand mother of the petitioner herein, had borrowed a sum of Rs.2,00,000/- and executed a promissory note and did not repay the same. The creditor had instituted a suit seeking recovery and the suit was decreed. To satisfy the decree, the creditor/decreed holder brought a property measuring 10.5 acres for sale and that particular property was purchased by the de facto complainant. When he tried to take possession, all the accused had violently assaulted him. The petitioner is said to be a Head Constable. He and his father alone had not been secured and other accused had been secured. It is stated by the learned counsel for the petitioner that now possession had been delivered and he produced the Xerox copy of an order of the Sub Court, Udumalpet, delivered on 6.11.2023. Taking that factor into consideration, anticipatory bail is granted to the petitioner.



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4. Taking into consideration the facts and circumstances 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 **Judicial Magistrate No.II, Udumalpet**, 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.

[b] **the petitioner**, though a Head Constable to in and deserted from a police force, **to appear before the respondent everyday at 10.30 am.**, for a period of **two weeks** and thereafter as and when required.



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[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 petitioners 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;

11.12.2023

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