



Crl.OP.No.2203 of 2024

Crl.O.P.No.2203 of 2024

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G.CHANDRASEKHARAN.J.,

The petitioner namely Kaja Moideen, who apprehends arrest at the hands of the respondent police for the offence under Sections 294(b), 324 and 506(ii) of IPC in Crime No.352 of 2023 on the file of the respondent seeks anticipatory bail.

2. The learned counsel for the petitioner submitted that, petitioner is innocent and due to property dispute, false complaint was given by the defacto complainant. Therefore, he seeks anticipatory bail to the petitioner.

3. In response, learned Government Advocate (Crl.Side) submitted that, petitioner is the brother of the defacto complainant's father. There is a property dispute between them. On 03.07.2023 at about 02.00.p.m., accused had hit the defacto complainant's father with hammer on the right, left and back side of his head. He had also made criminal intimidation. As a result, defacto complainant sustained injuries.

4. It is seen that, earlier anticipatory bail petition filed by the petitioner was dismissed on 15.02.2024. Since then, respondent police has not taken any steps for arresting the petitioner. It is also reported by



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the learned Government Advocate (Crl. Side) that injuries suffered by the petitioner are simple in nature. In the said circumstances, this Court is inclined to grant anticipatory bail to the petitioner.

5. Accordingly, 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 at Gummidipoondi** on condition that the petitioner shall execute separate bond for a sum of **Rs.25,000/- (Rupees Twenty Five 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 report before the



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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.

15.02.2024

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15.02.2024