



CrI.OP.No.4359 of 2024

CrI.O.P.No.4359 of 2024

C.V.KARTHIKEYAN,J.

It is stated that the first petitioner had been arrested in FIR in Cr.N.458 of 2023.

2. The learned counsel for the petitioner stated that the first petitioner is in hospital. But, at any rate, since he is in custody, the petition for anticipatory bail stands dismissed.

3. So far as the second petitioner is concerned, he seeks anticipatory bail in Cr.No.92 of 2024 registered under Section 294(b), 323 and 506(i) of IPC . He is a tenant under the defacto complainant. There is an existing dispute over the tenancy. It is stated that the petitioners were renovating the shop and the same was questioned by the defacto complainant and the dispute escalated into violence.

4. A counter complaint has been registered in FIR in Cr.No.91 of 2024.

5. Taking all factors into consideration, this Court is inclined to grant anticipatory bail to the second petitioner subject to the following conditions:



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6. Accordingly, the second 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, Madhavaram* on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties, 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 the second 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 the second petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders.

[c] the the second petitioner shall not tamper with evidence or witness either during investigation or trial.



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[d] the the second 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 the second petitioner in accordance with law as if the conditions have been imposed and the the second 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.

7 .With the above directions, this Criminal Original Petition in respect of the 1st petitioner stands dismissed. The Criminal Original Petition in respect of the the 2nd petitioner stands ordered.

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