



Crl.OP.No.5016 of 2024

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C.V.KARTHIKEYAN,J.

The petitioner/A1 in Crime No.43 of 2024 registered by the respondent police for the offences punishable under Sections 147, 148, 294(b), 323, 324, 352 and 506(2) of IPC altered into Sections 147, 148, 294(b), 323, 324, 352, 506(2) and 304(ii) IPC seeks anticipatory bail.

2. All the five accused had earlier filed Crl.OP.No.3154 of 2024. By an order dated 14.02.2024, anticipatory bail was granted to A2 to A5, but denied to this petitioner.

3. It is case of the prosecution that the defacto complainant and her husband went to attend a funeral ceremony wherein the petitioner and the other accused were also there. At that time, it is stated that the petitioner had thrown bricks at the chest of the husband of the defacto complainant who was initially admitted to hospital and later died.



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4. The learned counsel for the petitioner stated that he died out of cardiac arrest and was in the hospital for about 5 hours. It is therefore contended the cause of death could not be owing to any alleged assault on him but owing to any other cause leading to cardiac arrest. There has been substantial progress in the investigation. The learned counsel for the petitioner would express bonafide and regret would deposit a sum of Rs.3,00,000/- to the credit of crime no.43 of 2024.

5. In view of all these statements, this Court is inclined to grant anticipatory bail to the petitioner subject to the following 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 Judicial Magistrate-II, Tiruvannamalai*** 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



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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 deposit a sum of Rs.3,00,000/- to the credit of Cr.No.43 of 2024, within a period of four weeks from the date of executing surety and on such deposit, the learned Judicial Magistrate-II, Tiruvannamalai may hand it over to the defacto complainant on proper identification and acknowledgement.

[c] the petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders.

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



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[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 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.

7. It is made clear that this deposit would not indicate that the petitioner has admitted to any of the allegations. It is also not preclude that the defacto complainant from attaining any further damages of compensation in the manner known to law. If at all any further damages or compensation granted, this amount may be adjusted.

8. With the above directions, this Criminal Original Petition is allowed.

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Vv

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