

**Crl.O.P.No.10390 of 2024****T.V.THAMILSELVI, J.**

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The petitioner, who apprehends arrest for the alleged offences punishable under Sections 323, 324, 506 (iii) of IPC in Crime No. 23 of 2024 on the file of the respondent/police, seeks anticipatory bail.

2.It is the case of the prosecution that on the date of occurrence 31.03.2024, the defacto complainant and his friends viz., Praveen Kumar went to the funeral Ceremony of one Bharani Dharan while that time one Vicky @ Vigneshwaran come and speak with them while that time he was on influence of alcohol and during the discussion all of sudden the said Vicky @ Vigneshwaran was hugging and kissing the said Praveen Kumae hence he pushing down the said Vicky @ Vigneshwaran, immediately on Sankaran @ Sankara Narayanan made a call to one Siva who is the petitioner herein and informed about the incident. Thereafter the said Siva made a call to the defacto complainant and asked him to come to his residence to speak about the incident. Hence the defacto complainant and the said Praveen Kumar went to the petitioner's house while that time the petitioner abused the defacto complainant in a filthy language and slapped Praveen Kumar. The defacto complainant tried to interfere and stop the fight the said Siva attacked the defacto complainant with the



knife and causing injury to him and given life threat to him with dire consequences.

Hence the Complaint.

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3.The learned Counsel for the petitioner would submit that he did not commit any offence and he is not having any bad antecedents. There is a previous enmity between the petitioner and the defacto complainant and his friends. Due to which the defacto complainant had lodged a false complaint against the petitioner. He is the only bread winner of his family. He is ready to abide by any condition that may be imposed by this Court. Hence, the learned Counsel prays to grant anticipatory bail to the Petitioner.

4.The learned Government Advocate (Crl. Side) submitted that charge sheet filed in this case. Hence he strongly opposed for grant of *anticipatory* bail to the petitioner.

5.Heard the Learned Counsel for the petitioner and the learned Government Advocate (Crl. Side) and perused the materials available on record.

6.Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner.



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7. Accordingly, the petitioner is directed 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 Court No. 1, Karaikal, 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 the petitioner, 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner is directed to deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand Only) to the credit of Crime No. 23 of 2024, before the concerned Magistrate within a period of two weeks from the date on which the order copy made ready and on such deposit, the defacto complainant/victim is permitted to withdraw the said amount on filing undertaking affidavit and proper identification and acknowledgment;



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(c) the in respect of the said deposit shall be passed by the learned Judge at conclusion of trial;

(d) The petitioner shall appear before the respondent police daily twice i.e. morning at 10.30 a.m. and evening 05.30 p.m. for a period of two months;

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f) the petitioner shall not abscond either during investigation or trial;

(g) 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 Judge himself as laid down by the Hon'ble Supreme Court in in P.K.Shaji vs. state of Kerala [(2005)AIR SCW 5560]; and;



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(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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