



Crl.O.P.No.10349 of 2024

T.V.THAMILSELVI, J.

WEB COPY

The petitioner, who apprehends arrest for the alleged offences punishable under Sections 294 (b), 323, 341 and 506(ii) IPC in Crime No.110 of 2024 on the file of the respondent/police, seeks anticipatory bail.

2.It is the case of the prosecution that the defacto complainant is on 01.04.2024, there is a death procession of defacto complainant's owner's father at about 06.00 p.m. And hence the defacto complainant along with one Chandru @ Beedi, his brother Tamilselvam @ Vettu Selva and Kayaru Karthi and when the procession was proceeding at SSR Nagar the above said Chandru @ Beedi had a wordy quarrel with the drummer and the said Aakash and Vikki were beaten the said Chandru @ Beedi and after that when the death procession was proceeding at Varadhapuriamman Koil Stree,t one Amarnath and Rajesh, brother of Vikki were came and threatened him and the said Amarnath punched him in the face and due that there was a bleeding in his nose and Rakesh had beaten at his head and seeing all these things the persons around him were saved him from the place of occurrence. Hence the complaint.



WEB COPY

3.The learned counsel appearing for the petitioner would submit that originally the defacto complainant and his friends and relatives were beaten the petitioner in his head with the helmet and due to which the petitioner had a blood injuries and he was taken to the nearby Tagore Medical College and Hospital, Rathinamangalam, Melakkottaiyur and he was admitted as inpatient on 01.04.2024 and discharged on 06.04.2024 and a scan was taken in his head and it is revealed that there is a injuries in his forehead and he is still taking treatment. He is an innocent and he has been falsely implicated in this case. 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 the victim in this case has been discharged. It is a case in counter. He vehemently 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.

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, Thiruporur, 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.5,000/- (Rupees Five Thousand Only) to the credit of Crime No.110 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



WEB COPY



Crl.O.P.No.10349 of ____

identification and acknowledgment;

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

(d) the petitioner shall appear before the respondent police as and when required;

(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 P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

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

29.04.2024

ah



WEB COPY



Crl.O.P.No.10349 of ____

T.V.THAMILSELVI, J.

ah

Crl.OP.No.10349 of 2024



WEB COPY



Crl.O.P.No.10349 of ____.

29.04.2024