



Crl.O.P.No.10603 of 2024

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C.SARAVANAN, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 341, 294(b), 323, 506(2) of IPC in Crime No.37 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and the defacto complainant are relatives. On 19.04.2024, due to previous enmity, the petitioner along with other accused abused the defacto complainant in filthy language and assaulted him with stick and also threatened him with dire consequences. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that due to previous enmity, the petitioner attacked the defacto



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complainant and caused him injuries. He would further submit that the injured has been discharged from the hospital. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. It is seen that the petitioner is the fourth accused among the five accused in Crime No.37 of 2024 on the file of the respondent. Further, it appears that the petitioner is related to the defacto complainant. But the defacto Complainant who was admitted in the Government Medical College, Hospital at Ariyalur, is an Advocate.

6. According to the learned Government Advocate (Crl. Side), the petitioner is a history sheeter and had about 10 cases pending against him out of which, in six cases, he has been acquitted/closed. On the other hand, the learned counsel for the petitioner drew the attention of this Court to the order passed by this Court in Crl.O.P.No.10763 of 2024 dated 30.04.2023 wherein, this Court has granted anticipatory bail to rest of the accused.

7. Having considering the order passed by this Court in Crl.O.P.No.10763 of 2024 dated 30.04.2023 and considering the fact that the defacto complainant Mr.Prabhakaran has also been discharged from



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the hospital, This Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. 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, No.I, Jayamkondam, 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 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 respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation.



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[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.

22.05.2024

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