



Crl.O.P.No.11221 of 2024

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K.KUMARESH BABU, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 323, 324, 307 and 506(ii) of IPC in Crime No.139 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that on 23.04.2024 one Porkodi lodged a complaint before the respondent police stating that her husband and his brother Kollapuri already had a land dispute and civil case is also pending. In this situation, on 22.04.2024 her husband went to their land, near by the house of the petitioner and was talking in his phone to some other person, at that time the petitioner and his sons abused and assaulted the defacto complainant's husband due to land dispute. The injured person is discharged from the hospital. The petitioner is the brother-in-law of the defacto complainant only due to previous enmity this false complaint was given by the defacto complainant. Hence the complaint.



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3. The learned counsel appearing for the petitioner submitted that the petitioner have not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that the victim got discharged. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration of all the factors, anticipatory bail is granted to the petitioner with certain 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, Arakkonam*, 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,



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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 everyday at 10.00 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

[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;

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