



Crl.O.P.No.11645 of 2024

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C.V.KARTHIKEYAN, J.

The petitioner / A4 who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 324, 307 and 506(ii) of IPC and later altered to Sections 323, 324, 302 and 506(ii) of IPC in Crime No.21 of 2024, seeks anticipatory bail.

2.The case of the prosecution is that A1, A2 and A3 were drinking alcohol and this was noticed by the defacto complainant and a quarrel arose. It is also stated that A1 had an earlier enmity with the deceased, since there was complaint about splashing of water during the construction process. It is stated that A1 to A3 had been arrested.

3.The earlier petition seeking anticipatory bail was dismissed on 25.03.2024 in Crl.O.P.No.6765 of 2024. Even though, from that dated, till this date, the respondent have not taken the petitioner into custody.

4.A counter affidavit has been filed on behalf of the respondent, wherein it had been stated that during the course of investigation, the respondent had recorded the statement of 17 witnesses. It had been stated



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that on confession of one of the accused, the name of this petitioner had been included in this First Information Report. It had been stated that investigation has been practically completed.

5.Taking that factor into consideration and also the fact that though the petition for anticipatory bail was dismissed on 25.03.2024 but the respondent have still not taken the petitioner into custody, this Court is inclined to grant anticipatory bail 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, Sriperumbudur, 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:



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[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 10.30 a.m., until further orders.

[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.

06.06.2024

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