



CrI.OP.No.11646 of 2024

CrI.O.P.No.11646 of 2024

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K.KUMARESH BABU, J.

The petitioner/ accused in Crime No.240 of 2024 registered by the respondent police for the offences punishable under Sections 294(b), 307 of IPC seeks anticipatory bail.

2. The case of the prosecution is that every year there is a festival being conducted by Sri Murugan Theerthakavadi Kuzhu who will take Theerthakavadi from Kodumudi Magudeeswaran Temple and stayed at Veeratchimangalam and the next they used to go by walk to Palani Murugan Temple. On 23.04.2024, some persons were performing dance at Theerthakavadi (temple festival) near the Veeratchimanagalam Vinayagar temple, at that time, one Muruganantham who is the relative of the defacto complainant questioned the petitioner why they were dancing like that, following which, the petitioner alleged to have abused the said Muruganantham assaulted him with wooden log and caused



blood injuries on his head and also threatened him with dire consequences. Subsequently, the defacto complainant's son had admitted the said Muruganantham in the hospital. In this regard, the petitioner's relative one Boopathi and others had abused, assaulted the defacto complainant's son and caused grievous injuries to him and also criminally intimidated him. Hence, the complaint.

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

4. The learned Government Advocate (Crl. Side) for the respondent stated that the petitioner along with others had abused and assaulted the defacto complainant's son and caused injuries to him. He further stated that the injured was discharged from the hospital. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.



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5. Taking all the factors into consideration and the submissions made by both counsel and also taking note of the fact that the injured was discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner subject to the following 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, Dharapuram* on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties, 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.



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[b] the petitioner shall report before the respondent police on 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.

09.05.2024

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