



CrI.O.P.No.12306 of 2024

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C.SARAVANAN, J.

The petitioner apprehending arrest at the hands of the respondent police for the offences under Sections 394 of Indian Penal Code, 1860 in Crime No.162 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that on 15.05.2024 at about 10:30 AM, while the defacto complainant was doing business in his old iron shop opposite to Kandigai Government High School on Kandigai to Venkatamangalam road, four unidentified persons entered the defacto complainant's shop under the influence of alcohol and asked to give money. The defacto complainant refused to pay and the said persons have indiscriminately attacked the defacto complainant's husband and her son and ran away. Hence the case.

3. The learned counsel for the petitioners would submit that the petitioner is innocent and falsely implicated in this case. He also further



Crl.O.P.No.12306 of 2024

submitted that no case ever before was registered against the petitioner.

Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that the petitioner herein is one of the accused in Crime No.162/2024 on the file of the respondent police for the alleged offence under section 394 of IPC, which has been altered to Section 395 of IPC. He also further submitted that the petitioner along with other accused appeared to have injured the husband and son of the defacto complainant and two accused A1 and A2 were arrested and still in custody. Hence, he opposed for granting anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also the submissions made by both counsels and also considering that only simple injuries were caused to the defacto complainant's husband and son, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



CrI.O.P.No.12306 of 2024

WEB COPY

7. 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, Tiruppour 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 is directed to donate a sum of Rs.20,000/- (Rupees Twenty Thousand only) to a recognised and registered orphanage in Tambaram within a period of two weeks from the date of receipt of this order copy.

[c] the petitioner shall report before the respondent



CrI.O.P.No.12306 of 2024

WEB COPY

police as and when required for interrogation and also directed to co-operate for the investigation.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

23.05.2024

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Page 4 of 5



WEB COPY



Crl.O.P.No.12306 of 2024

C.SARAVANAN, J.

stn

Crl.O.P.No.12306 of 2024

23.05.2024