



Crl.O.P.No.12289 of 2024

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C.SARAVANAN, J.

The petitioner apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 324, 341 and 506(ii) of IPC in Crime No.92 of 2024, seeks anticipatory bail.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent Police and perused the materials available on record.

3. Learned Government Advocate (Criminal Side) submits that the de facto complainant/injured has been discharged from the hospital. He further submits that the petitioner is a history sheeter who has been involved in atleast five different criminal cases, out of which, he has been acquitted in two of the cases and undergoing trial in two cases and the investigation in one case is yet to be completed.

4. Learned counsel for the petitioner submits that the petitioner was wrongly implicated in this case. He further submits that the petitioner is aged about 22 years and he is the only bread winner of his family.



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5. It appears that the petitioner and the de facto complainant are from the same village and they had got into a wordy duel, resulting in which, the petitioner had abused the de facto complainant in a filthy language and assaulted him with stone. It also appears that the de facto complainant was admitted in the hospital on account of the bleeding injuries caused by the accused.

6. Considering the facts and the submission made by the learned Government Advocate (Criminal side) that the injured has been discharged from the hospital and also considering the age of the petitioner, this Court is inclined to grant anticipatory bail subject to a condition that the petitioner has to donate a sum of Rs.5,000/- to any known registered Orphanage in Tiruvarur District, without prejudice to his defence.

7. Accordingly, the petitioner is directed to donate a sum of Rs.5,000/- (Rupees Five thousand only) to any registered Orphanage in Tiruvarur District and on production of proof for the same, 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 is made ready, before the learned



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Judicial Magistrate, Thiruthuraipoondi 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 everyday at 10.30 am 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]**;



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

23.05.2024

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