



*Crl.O.P.No.12431 of 2024*

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**C.SARAVANAN, J.**

Apprehending arrest in Crime No.90 of 2024 by the respondent for the alleged offences punishable under Sections 294(b), 341, 324, 354 and 506(ii) of IPC, the petitioner is before this Court and seeks an order of Anticipatory Bail under Section 438 of Cr.P.C.

2. It appears that there is previous enmity between the petitioner's family and the de-facto complainant. It appears that at the behest of the petitioner, F.I.R has been registered against one Bakkiyaraj in Crime No.89 of 2024 on 07.04.2024. The mother of the said Bakkiyaraj has filed complaint against the petitioner in Crime No.90 of 2024. It appears that the petitioner's son was injured by the said Bakkiyaraj and in retaliation, the petitioner sought to avenge the injury of his son by attacking the said Bakkiyaraj.

3. Learned Government Advocate (Crl. Side) for the respondent Police would submit that the injured has been discharged from the hospital.

4. Considering the nature of allegations and considering the fact that



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the injured has been discharged and considering the fact that this is the first instance of the petitioner being involved in crime, Court is inclined to grant the Anticipatory Bail to the petitioner subject to the petitioner donating a sum of Rs.10,000/- to any registered Orphanage in Thiruvarur district and subject to the petitioner complying of certain conditions.

5. Considering the same and the fact that there was an attempt to take law into their own hands, the Court is inclined to grant Anticipatory Bail to the petitioner and the petitioner shall be released immediately on bail, in the event of arrest or on his appearance, with subject to the following conditions :-

[a] the petitioner shall appear before the learned Judicial Magistrate, Thiruthuraipoondi, within a period of fifteen days from the date on which the order copy made ready;

[b] 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;

[c] 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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[d] the petitioner shall donate a sum of Rs.10,000/- (Rupees Ten Thousand only) to any registered Orphanage in Thiruvavur district;

**[e] the petitioner shall report before the respondent Police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation;**

[f] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[g] the petitioner shall not abscond either during investigation or trial;

[h] 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]**;

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

23.05.2024

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