



CrI.O.P.No.12405 of 2024

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C.SARAVANAN, J.

The petitioner herein is apprehending arrest in Crime No.70 of 2024 by the respondent police for the alleged offence under Sections 294(b), 352, 506(1) of Indian Penal Code, 1860. The petitioner is before Court and seeks an order of anticipatory bail under Section 438 of Cr.P.C.

2. The case of the prosecution is that the defacto complainant lodged a complaint to the respondent police on 06.04.2024 stating that the petitioner along with other accused had picked the mango from the garden of the defacto complainant and while questioning the same by the defacto complainant and his daughter, the petitioner and other accused had abused them using filthy language in public place and also caused physical injuries to them.

3. The learned counsel for the petitioner would submit that the petitioner has been falsely implicated in this case and he has not



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committed any offence as alleged by the prosecution. He also further submitted that other accused had lodged a complaint against the defacto complainant in Crime No.71 of 2024 and also submitted that the petitioner is gainfully carrying a business and having good name and record in the society. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that the petitioner along with other accused and the defacto complainant had indulged in physical violence against each other, while attempting to take mango from the defacto complainant's mango grove. He also further submitted that the other accused who are ranked as A2 in Crime No.70 of 2024 had injured the defacto complainant (accused in Crime No.71 of 2024). He would submit that the defacto complainant was also discharged from the hospital. Therefore, he opposed to grant anticipatory bail to the petitioner.

5. Considering the submissions made by the learned counsel for the petitioner and learned Government Advocate (Crl. Side) and the



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gravity of the alleged offence committed by the petitioner against the defacto complainant, 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, 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.



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[b] the petitioner is directed to donate a sum of **Rs.10,000/- (Rupees Ten Thousand) to a recognised and registered orphanage in Thiruvavarur District**, within a period of two weeks from the date of receipt of this order copy

[c] the petitioner shall report before the respondent police as and when required for interrogation and the petitioner is 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]**.



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

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