



Crl.O.P. No.20945 of 2024

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P. DHANABAL.J.,

The petitioner apprehends arrest for the alleged offences under Sections 294(b), 324, 307 and 506(ii) of IPC subsequently altered and added section 212,326 of IPC in Crime No.117 of 2024, on the file of the respondent police seeks anticipatory bail.

2.The case of the prosecution is that due to previous enmity between the defacto-complainant and the petitioners regarding Manaikattu. The petitioner and other accused persons came to the defacto-complainant's house and they have used filthy language as against the defacto-complainant and the first accused attacked the defacto-complainant with lethal weapon. Hence the case.

3. The learned counsel for the petitioner would contend that this petitioner has not committed any offence as alleged by the prosecution. At the time of occurrence, this petitioner is not present. With ill-motive, the defacto-complainant has purposely implicated the petitioner as accused in the said case. There is no previous case as against this petitioner. This



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petitioner is an innocent person and he has not indulged in any illegal activities as alleged by the prosecution and he has been falsely implicated in this case by the respondent police and hence he seeks anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) would submit that due to previous enmity between the defacto-complainant and the petitioners regarding Manaikattu (property dispute). The petitioner and other accused persons came to the defacto-complainant's house and they have used filthy language as against the defacto-complainant and the first accused attacked the defacto-complainant with lethal weapon. The injured persons admitted in hospital and now they discharged from hospital. There is no previous case as against the petitioner. However, the learned Government Advocate (Criminal Side) vehemently opposed to grant anticipatory bail to the petitioners.

5. Heard both side and perused the materials available on record.



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WEB COPY 6. Considering the rival submissions on either side, considering the fact that there is no specific allegation against this petitioner, injured persons are discharged from hospital, there is a property dispute pending between the defacto-complainant and the petitioner and there is no pending criminal case as against this petitioner and considering other aspects, this court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on anticipatory 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-II, Viruthachalam, Cuddalore District** 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 learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent police daily at 10.00a.m. until further orders:



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[b] the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

[c] the petitioner shall not leave India without the prior permission of the Court.

[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 269 B.N.S. 2023.

03.09.2024



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