



Crl. O.P. No.21341 of 2024

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P. DHANABAL.J.,

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The petitioner / Accused No.5, who apprehends arrest in the hand of the respondent police for the offences punishable under Sections 294(b), 323, 324, 307 and 506(2) of IPC and subsequently, altered to Sections 294(b), 323, 302 and 506(2) of IPC in connection with the Cr. No.21 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that the younger brother of the defacto complainant and his mother were assaulted by the accused persons on 16.01.2024 by hands and using bricks, when the accused persons were drinking near the compound wall of the defacto complainant's house and when the same was questioned by the younger brother of the defacto complainant and also the accused have abused them in filthy language. The younger brother of the defacto complainant got injured and later he died. Hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent, that he has been falsely implicated in this case for the alleged offences under Sections 294(b), 323, 324, 307 and 506(2) of IPC, that as per the FIR, only 4 persons were arrayed as accused



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and this petitioner is not a named accused in the FIR and that there is no previous case against the petitioner. Hence he prayed to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police would contend that the petitioner along with other accused have consumed alcohol near the residence of the defacto complainant and when the same was questioned by the deceased, the younger brother of the defacto complainant, the petitioner along with others have assaulted the deceased and he got injuries and he was admitted in the hospital and thereafter he died, that investigation is not yet completed and hence he strongly objected for the grant of anticipatory bail. However, he admitted that though the FIR has been registered on 09.01.2024, till date, the respondent police have not secured the accused and there is no previous case pending as against this petitioner.

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

6. Considering the arguments putforth on either side, considering the fact that the petitioner is not a named accused in the FIR, that there is no specific overt act attributed as against this petitioner, that there is no previous case pending as against this petitioner and the date of FIR is



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09.01.2024 and till date, the respondent police have not secured the accused, I am inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

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, Sriperumbudur** on condition that the petitioners 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 on every day at 10.00 a.m. until further orders.

[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 them from disclosing such facts to the Court or to any police officer;

[c] the petitioner shall not leave India without the previous permission of the Court;

[d] the petitioner shall not abscond either during investigation or



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trial.

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[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.

11.09.2024

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To

- 1.The Judicial Magistrate, Sriperumbudur
2. The Public Prosecutor, High Court, Madras.
- 3.The Inspector of Police, Kundrathur Police Station, Chennai.

P.DHANABAL,J

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