



Crl.O.P.No.26499 of 2024

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 324, 307, 506(2) of IPC @ 294(b), 323, 302 and 34 of IPC, in Crime No.21 of 2024, seeks anticipatory bail.

2.The case of the prosecution is that on 16.01.2024, due to wordy quarrel, the accused in an inebriated condition abused the victim with hands and pelted stones on him resulting in the victim sustaining injuries and died after 6 days of treatment on 25.01.2024. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the alleged incident said to have taken place on 19.01.2024 and the victim is alleged to have succumbed to the injuries on 25.01.2024. He further submits that even as per the prosecution that the alleged occurrence is said to have been taken place when the accused is stated to have been in an inebriated condition and the incident happened during the quarrel. He



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further submits that the petitioner did not have any intention to cause the death of the victim and no weapon was used and the accused are alleged to have assaulted the petitioner with hands and pelted stones. He further submits that even as per the FIR, A1 is the person who is said to have pelted stones at the victim, except for this petitioner, all the arrested accused have been enlarged on bail. Therefore, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner along with other accused assaulted the victim with hands and by pelting stones, resulting in the death of the victim after 6 days of the occurrence. He further submits that the investigation has been completed and the final report has also been filed before the Judicial Magistrate, Sriperumbur and it is pending for committal in PRC.No.45 of 2024 and the next hearing date is



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12.11.2024. Therefore, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Heard the learned counsel on both sides and perused the entire materials available on record including the First Information Report.

6. Taking into consideration the facts of the case and the submissions made by the learned counsel on either side and that the investigation has been completed and the final report has also been filed and the specific overt act of pelting stones is attributed only as against A1, this Court is inclined to grant anticipatory bail to the petitioner with certain 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 petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten



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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 learned Judicial Magistrate, Sriperumbur, everyday at 10.30 a..m, for a period of two weeks and thereafter on the date fixed by the learned Judicial Magistrate.

[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.



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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.

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