



Crl.O.P.No.27839 of 2023
and
Crl.M.P.No.518 of 2024

C.V.KARTHIKEYAN, J.

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The petitioner/A7, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 147, 148, 341, 294(b), 324 and 307 of I.P.C r/w 25(1B)(a), 27(1) of Arms Act & 3(1) of PPD Act, in Crime No.435 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.This Court had directed that the de-facto complainant should be impleaded as a second respondent in Crl.M.P.No.518 of 2024 had been filed. However, the de-facto complainant, though notice had been served and the name and address is also printed in the cause list has not chosen to appear before this Court.

3. The case of the prosecution is that the petitioner herein is the mother of A2 and A7. She had contested the local body election against the de-facto complainant. She lost the election. There was disputes between the petitioner's family and the de-facto complainant and it is stated that a gun was procured and with the help of the gum, A1 shot the de-facto complainant who suffered injuries in the hip, but however, he managed to escape.



4. The learned Counsel for the petitioner would submit that the petitioner is innocent and she has been falsely implicated in this case. Hence, she prayed for grant of anticipatory bail to the petitioner.

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5. The learned Government Advocate (Criminal Side) for the respondent submits that some of the accused had already arrested and granted bail. Hence, he opposed for grant of anticipatory bail to the petitioner.

6. Heard both sides and perused the materials available on record including the FIR.

7. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel on either side, the co-accused had already arrested and released on bail, this Court is inclined to grant anticipatory bail to the petitioner.

8. 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 No.1, Virudhachalam**, on condition that the petitioner shall execute a separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties 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:

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[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 respondent police on everyday at 10.30a.m., until further orders;

[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.

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

[g] Consequently, connected Crl.M.P is closed.

12.02.2024

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