

Crl.O.P.No.10251 of 2019

N.ANAND VENKATESH,J.

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 143, 341 and 353 of IPC in Crime No.100 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.The case of the persecution is that the accused persons are said to have formed into an unlawfully assembly and had caused disturbance to the general public and when the same was questioned by the defacto complainant, who is the Sub Inspector of Police, he was abused in filthy language and was prevented from performing his public duty. Totally, there are 19 accused in this case and the present petitioners are A2 to A5.

3. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl.Side) appearing on behalf of the respondent.

4. Taking into consideration of the facts and circumstances of this case, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

5. Accordingly, the petitioners are ordered to be released on anticipatory bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned District munsiff cum Judicial Magistrate, Needamangalam, on condition that the petitioners shall execute a bond for a sum of Rs.5,000/- (Rupees five 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 said Magistrate, on further condition that:

[a] the petitioners 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 petitioners shall report before the respondent police as and when required, until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]*; and;

[f] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

15.04.2019

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