

Crl.O.P.No.12929 of 2019**V. BHAVANI SUBBAROYAN, J**

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 324, 304(ii), 506(ii) of IPC in Crime No. 56 of 2019, seek anticipatory bail.

2. The case of the prosecution is that the deceased and his two friends took alcohol in the outskirts of the village and one Harikrishnan (A1 in the above case) went to that place and enquired with a local person one Mr.Anbazhan, about the deceased and other persons. The said Anbazhan, refused to disclose about them, then the said Harikrishnan took mobile from his pocket to inform the Police. When the deceased and his two friends tried to escape from the place, the deceased fell into the well and died. Therefore, the mother of the deceased lodged a complaint before the respondent police and registered a case in Crime No.56 of 2019 against the petitioners.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate appearing for the respondent vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.I, Villupuram, 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 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 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 daily at 10.30 a.m., 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]**.

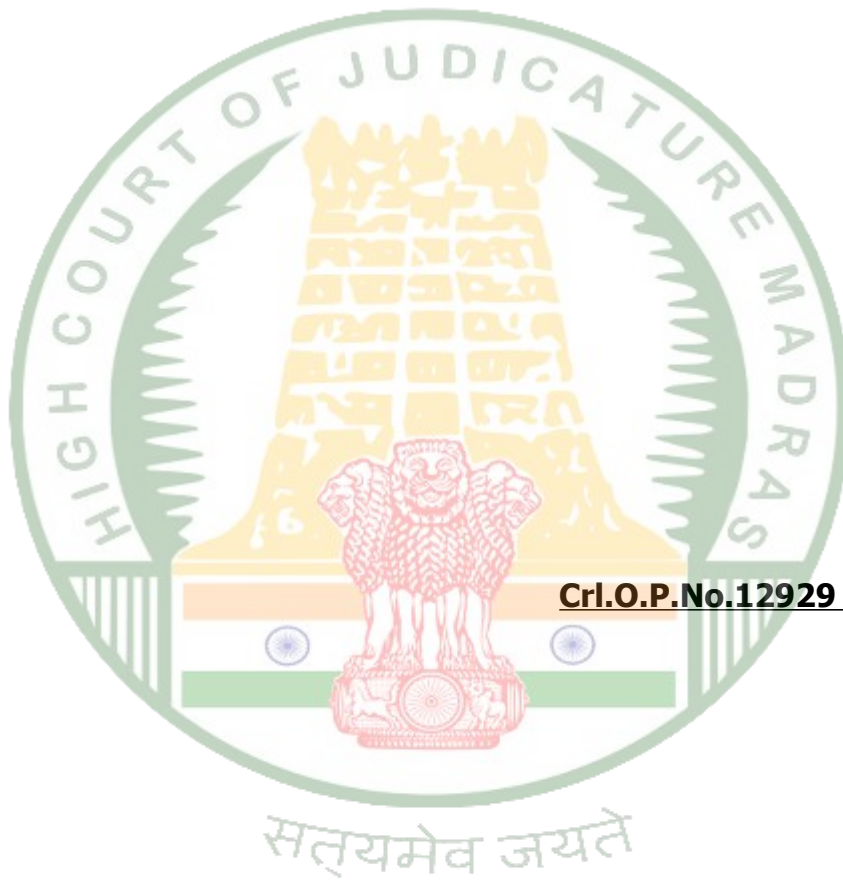
[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

16.05.2019

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