



CrI.O.P.No.5663 of 2022

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WEB 6031 **Dr.G.JAYACHANDRAN, J.,**

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 323, 324 and 506(ii) of IPC, in Crime No.70 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The First Information Report registered by the respondent police is based on the complaint given by one Dhurairaj, from the hospital, stating that there was a quarrel between him and one Murugan as follow up, on 01.03.2022, one Sakthivel i.e., son of the said Murugan attacked the father of the defacto complainant with fist. In this connection, on that day at about 07.30 p.m., when the defacto complainant enquired with Sakthivel, his son Arunkumar attacked the defacto complainant on his forehead. Further one Pazhanisamy brother of Sakthivel attacked the brother of the defacto complainant viz., Subramani causing injury on his left thumb. Only after the relatives came, the assailants left the place. In the said attack, the defacto complainant who sustained injury was admitted in the hospital about three days.

3. The learned counsel appearing for the petitioners submits that it is



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a case of case in counter. There was a wordy quarrel followed up, exchange of blows in which the petitioners also sustained injury.

4. The learned Government Advocate (Crl.Side), submits that due to previous enmity on 01.03.2022, the family members of the defacto complainant and the petitioners fought with each other and sustained injury and has given complaints with the respondent Police, which have been registered in Crime Nos.70 of 2022 and 71 of 2022 respectively. The First Information Report in this case was registered on receiving intimation from the hospital about the injury sustained by the defacto complainant. Whereas in the counter case, given by the petitioners herein, indicates that no one is injured.

5. Considering the nature of the offence committed by the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of seven days from the date of receipt of a copy of this order, before the **Judicial Magistrate Court, Dharapuram**, on condition that each of the petitioners shall execute a bond for



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a sum of Rs.25,000/- (Rupees Twenty Five thousand Only), with two sureties, each for a like sum to the satisfaction of the learned Magistrate, failing which the anticipatory bail shall stand canceled 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall stay at Coimbatore and report before the Inspector of Police, Race Course Police Station, 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]*; and;



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(f) if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

11.03.2022

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