



Crl.O.P.No.15502 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 447, 294(b), 323 and 427 IPC in Crime No.216 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the first petitioner applied for electricity connection and an electric poll was erected nearby the defacto complainant's house and the same was objected by the defacto complainant. On 08.06.2022, a strong wind blew, due to which the electric wires caught fire and fell on the coconut tree of the petitioners. When the same was informed by the defacto complainant's daughter to the second petitioner, without knowing the facts, the petitioners trespassed the defacto complainant's house and abused him in filthy language and attacked him with iron rod. Hence, the complaint.



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3. The learned counsel appearing for the petitioners would submit that there is previous animosity between the family members of the defacto complainant and the petitioners, due to which the defacto complainant set fire to the petitioner's property. He would further submit that the first petitioner is a senior citizen, the third petitioner is a teacher and the fourth petitioner is studying XII Standard. However, on instructions, he would furthermore submit that the petitioners are ready to jointly deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) to the credit of crime No.216 of 2022. Therefore, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that due to previous enmity, the petitioners have abused the defacto complainant in filthy language and attacked with iron rod, in which no one sustained injuries. However, he opposed for grant of anticipatory bail to the petitioners.



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5. The learned counsel for the intervenor submitted that the petitioners, without knowing the facts have attacked the defacto complainant with iron rod on the presumption that the defacto complainant had set fire to their coconut tree. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

6. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are directed to jointly deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) to the credit of crime No.216 of 2022, within a period of two weeks from the date on which the order copy made ready, and on such deposit the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate, Sulur on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each, with two sureties each for a like sum to the



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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 jointly deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) to the credit of crime No.216 of 2022, before the concerned Magistrate, within a period of two weeks from the date on which the order copy made ready.

[c] the final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of trial.

[d] the second petitioner shall appear before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation. Other petitioners shall appear before the respondent police as and when required for interrogation.



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[e] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[f] the petitioners shall not abscond either during investigation or trial.

[g] 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]**.

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

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