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Crl.O.P.No.15606 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 294(b), 323, 324 and 506(ii) of IPC in Crime No. 317 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that totally there are four accused in which, the petitioners herein are arrayed as A1 and A4. Due to previous enmity between the petitioners and the defacto complainant, for the reason, that the defacto complainant came out from the political party due to their family dispute, because of that, the petitioners have vengeance and motive against him. While so, on 29.05.2022 when the defacto complainant was over phone, at that time, the petitioners along with others, assaulted the defacto complainant with stones, log and also beaten him with hands and thereby he has sustained injuries. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the



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petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submits that they have been falsely implicated in this case and the co-accused already granted anticipatory bail in Crl.OP.No.15014 of 2022 dated 29.06.2022 by this Hon'ble Court. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners assaulted the defacto complainant with stones and log and caused injury on the head. He would further submit that the injured has been discharged from the hospital on 09.06.2022. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the above facts and circumstances of the case and also considering that the injured has been discharged from the hospital, 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



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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.III, Tiruppur, 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 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. for a period of two weeks and thereafter as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either



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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 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.

07.07.2022

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