



Crl.O.P.No.16394 of 2022

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WEB C **G.K.ILANTHIRAIYAN, J.**

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b), 323, 324, 307, 506(ii), 188, 269, 270 of IPC r/w. Section 51(1)(a)(b) of Disaster Management Act 2005 in Crime No. 961 of 2020, seek anticipatory bail.

2. The case of the prosecution is that due to previous enmity, the petitioners assaulted the defacto complainant and caused injuries to him. Hence, the complaint.

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. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners attacked the defacto complainant and caused injuries. He would further submit that the injured has been discharged from the hospital 21.05.2022. He would also submit that A1 is having 19 previous cases and A3 is having 6 previous cases pending against them. However, he vehemently opposed to grant anticipatory bail to the petitioners.



5. Taking note of the bad antecedents, this Court is not inclined to grant anticipatory bail to A1 and A3, accordingly, the petition is dismissed as against A1 and A3.

6. Considering the above fact and circumstances of the case and also considering the fact that the victim has been discharged from the hospital on 21.05.2022, this Court is inclined to grant anticipatory bail to the petitioners 2, 4 and 5 with certain conditions.

7. Accordingly, the petitioners 2, 4 & 5 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 is made ready, before the learned Judicial Magistrate No.II, Thiruvallur, on condition that the petitioners shall execute a separate 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



CrI.O.P.No.16394 of 2022

identity.

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[b] the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation.

[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.

15.07.2022

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G.K.ILANTHIRAIYAN, J.

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Crl.O.P.No.16394 of 2022

Crl.O.P.No. 16394 of 2022

15.07.2022