



Crl.OP.No.17455 of 2022

Crl.O.P.No.17455 of 2022

WEB COPY

**G.K.ILANTHIRAIYAN, J.**

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 341, 342, 323, 324, 506(ii) of IPC in Crime No.177 of 2022, seek anticipatory bail.

2. The case of the prosecution is that due to previous enmity, it is alleged that the petitioners along with other accused persons attacked the *de-facto* complainant and threatened him with dire consequences. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that



Crl.OP.No.17455 of 2022

that the petitioners and other accused persons attacked the *de-facto* complainant and caused injuries. He would further submit that the injured has been discharged from the hospital. As far as the first petitioner is concerned, seven previous cases are pending against him and the second petitioner is concerned he has no previous case. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Considering the above facts and circumstances, this Court is inclined to grant anticipatory bail to the second petitioner alone with certain conditions.

6. Accordingly, as far as the first petitioner is concerned, this petition is dismissed and as far as the second petitioner is concerned, he is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate-II, Sangakiri**, on condition that the second petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties



Crl.OP.No.17455 of 2022

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 second petitioner 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 second petitioner 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 second petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the second 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 second petitioner in accordance with law as if the conditions have been imposed and the second petitioner 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]**.



WEB COPY



Crl.OP.No.17455 of 2022

**G.K.ILANTHIRAIYAN, J.**

mpl

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

26.07.2022

mpl

Crl.O.P.No.17455 of 2022