



Crl.O.P.No.21534 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 147, 148, 341, 294(b), 323, 324, 307 r/w 109 of IPC in Crime No.404 of 2021, seek anticipatory bail.

2. The case of the prosecution is that there was a some dispute between the petitioners and the defacto complainant groups, as a result of which, the petitioners and others had abused the defaco complainant in filthy language and assaulted the defacto complainant and caused injuries. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners were earlier granted anticipatory bail in Crl.O.P.No.322 of 2022 dated 07.01.2022. He would further submit that the petitioners were unable to furnish the sureties within time and hence, they filed Crl.M.P.No.6843 of 2022 before this Court seeking for extension. This



Crl.O.P.No.21534 of 2022

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Court by an order dated 19.05.2022, had allowed the petition by way of extending the time till 30.05.2022 to the petitioners to surrender and execute the sureties as ordered by this Court. Since the petitioners were failed to surrender sureties, the order has got lapsed and they filed another Crl.M.P.No.10563 of 2022 before this Court by seeking further extension and the same was dismissed by this Court on 26.07.2022. Hence, the present petition has been filed.

4.The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioners were already granted anticipatory bail. He further submit that they failed to produce the sureties within time and thereby the earlier order has lapsed. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5.In reply, the learned counsel for the petitioners would submit that the petitioners are also ready to deposit an amount of Rs.1,000/- to any welfare scheme of the Government and prays for grant of anticipatory bail to the petitioner.



Crl.O.P.No.21534 of 2022

WEB COPY

6. Merely, because the petitioners have deposited the said amount, it would not amount to admission of their guilt. Therefore, it is open to the trial Court to deal with the case independently.

7. Taking into consideration the facts of the case and the submissions made by the learned counsel and also taking note of the fact that the petitioners have come forward to deposit an amount of Rs.1,000/- to any welfare scheme of the Government, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. Accordingly, each of the petitioners are directed to deposit a sum of Rs.1,000/- (Rupees One Thousand only) to the credit of **Taluk Legal Services Authority, Mettur** and on such receipt and on receipt of proof of payment, the petitioners 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 made ready, before the learned Judicial Magistrate No.I, Mettur on condition that each of the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand



Crl.O.P.No.21534 of 2022

WEB COPY

only) 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 1 and 3 shall report before the respondent police on every Wednesday at 10.30 a.m., until further orders and 2nd petitioner shall report before the respondent Police as and when required or interrogation.

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



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CrI.O.P.No.21534 of 2022

in accordance with law as if the conditions have been imposed and the 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]**;

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

07.09.2022

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Crl.O.P.No.21534 of 2022

Crl.O.P.No.21534 of 2022

07.09.2022