



Crl.O.P.No.21330 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 alleged offences punishable under Sections 147, 148, 294 (b), 323, 324 & 506 (ii) IPC in Crime No.86 of 2022, seek anticipatory bail.

2. The case of the prosecution is that due to previous enmity, the petitioners along with other accused, abused and attacked the de-facto complainant and his wife and thereby, they sustained injuries. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and due to previous enmity, they have been falsely implicated in this case. He would also submit that the petitioners are prepared to comply with any stringent condition imposed by this Court and he prays for grant of anticipatory bail to the petitioners.



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4. The learned Government Advocate (Crl.Side) would submit that due to previous enmity, the petitioners had abused and attacked the de-facto complainant and his wife, due to which they sustained injuries and they were treated as out patients. He would also submit that there is no previous case as against these petitioners. However, he opposed to grant anticipatory bail to the petitioners.

5. Taking into consideration the facts of the case and that there are no previous cases against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

6. Accordingly, 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, Thirukovilor, Kallakurichi, on condition that the petitioners shall execute a separate bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like



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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, 2 and 5 shall report before the respondent police every day morning at 10.30 a.m. and evening at 5.30 p.m., until further orders;

[c] the petitioners 3 and 4 shall report before the respondent police every day at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation;

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioners shall not abscond either during investigation or trial;



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[f] 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]**;

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

07.09.2022

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