



Crl.O.P.No.21633 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 offences punishable under Sections 294(b). 323, 324 and 506(ii) of IPC, in Crime No. 312 of 2022, seek anticipatory bail.

2. The case of the prosecution is that due to previous enmity the first petitioner in an inebriated condition along with the other accused had abused the defacto complainant with filthy languages and assaulted her with bricks.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that the defacto complainant is the sister in law of the first petitioner. Due to family dispute, there was a wordy quarrel, due to which, the defacto complainant has foisted the above case. Hence, he seeks for anticipatory bail.

4. The learned Government Advocate (crl.side) would submit that



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the petitioners along with the other accused had assaulted the defacto complainant with bricks and abused her with filthy languages. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Taking into consideration of the facts and submissions made by the learned counsel for the petitioners, this Court is inclined to grant anticipatory bail with certain 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 Court, Rasipuram** on condition that the petitioners shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand 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



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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 stay at Dharmapuri and report before the **Dharmapuri Police Station every day at 10.30 am for a period of two weeks** and thereafter report before the respondent police **every day at 10.30 am. until further orders.**

[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]**.

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

08.09.2022

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