



Crl.O.P.No.23464 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 147, 148, 294(b), 323, 324, 355 and 506(ii) IPC, in Crime No.373 of 2022, on the file of the respondent, seek anticipatory bail.

2. The case of the prosecution is that on 25.08.2022, during the temple festival, the petitioners along with the other accused unlawfully assembled there and due to the previous enmity, abused the de-facto complainant and other villagers in a filthy language and attacked them with iron rod and wooden logs, due to which they sustained injuries. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that during the temple festival, there was a wordy quarrel and scuffle between two rival groups and due to the previous enmity, the de-facto complainant has given an exaggerated complaint against the



Crl.O.P.No.23464 of 2022

WEB COPY

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

4. The learned Government Advocate (Crl.Side) would submit that there exist a previous enmity between the two rival groups in the village and during the temple festival, the petitioners along with the other accused, who belong to one group, abused and attacked the de-facto complainant and others with iron rod and wooden logs, due to which, they sustained injuries. He would also submit that the injured have been discharged from the hospital and there is no previous case as against the petitioners. However, he opposed to grant anticipatory bail to the petitioners.



Crl.O.P.No.23464 of 2022

WEB COPY

5. Taking into consideration the facts of the case and the submissions made by the learned counsel for the petitioners and also considering the fact that the injured have been discharged from the hospital, 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 -II, Ulundurpet**, 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 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:



CrI.O.P.No.23464 of 2022

WEB COPY

[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 shall stay at Chennai and report before the Inspector of Police, Esplanade Police Station every day morning at 10.30 a.m. and evening at 5.30 p.m., 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]**.

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

27.09.2022

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CrI.O.P.No.23464 of 2022

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CrI.O.P.No.23464 of 2022

27.09.2022