



Crl.O.P.No.22116 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, 323, 324 and 506(ii) of IPC in Crime No.735 of 2022, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Ranjith Kumar Yadav is that on 31.08.2022, due to dispute in a Trust Board meeting, the accused have assaulted the defacto complainant with wooden logs and due to which, he sustained grievous injuries. Hence the complaint.

3.The learned counsel for the petitioners would submit that the petitioners and the defacto complainant are trustees in the temple. Due to dispute in the trust regarding financial management, a false complaint has been given against them. He would further submit that though the alleged occurrence is stated to have happened on 30.08.2022, the complaint has



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been given belatedly on 08.09.2022 by implicating the persons who are not at all connected with the case. He would further submit that the defacto complainant immediately after the occurrence is alleged to have admitted himself in the Government Hospital and the accident register which was registered as per the information given by the defacto complainant shows that the defacto complainant was assaulted by only one unknown person whereas, he has lodged a complaint before the police as if, the petitioners and others assaulted him with wooden log. He would further submit that the said Accident Register and the delay in preferring the complaint would clearly show that it is a false motivated complaint registered on account of previous enmity. He would further submit that the injured has been discharged. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioners and the defacto complainant are trustees in the temple board and on 30.08.2022 at about 4 p.m., when the meeting was going on, the petitioners have assaulted the defacto



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complainant with wooden log and also threatened him. However, he would concede that the complaint was given only on 08.09.2022 and as per the accident registrar, the defacto complainant himself has informed the doctor that one unknown person had assaulted him.

5.The learned counsel for the defacto complainant/intervenor would submit that the defacto complainant immediately after the occurrence became unconscious and thereby there was delay in lodging the complaint. He would further submit that due to the attack, the defacto complainant has sustained fracture in his right hand and he vehemently opposed for grant of anticipatory bail to the petitioners.

6.Heard the learned counsel and perused the complaint and also the Accident Register.

7.Taking into consideration the facts of the case and the submissions made by the learned counsel, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



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8. 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 is made ready, before the learned Judicial Magistrate, Madhavaram on condition that each of the petitioners shall execute 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:

[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 report before the respondent Police daily at 10.30 a.m., until further orders.



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[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;

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