



Crl.O.P.No.22253 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, 294(b), 323, 324, 427, 447 & 506(ii) of IPC in Crime No.373 of 2022, seek anticipatory bail.

2. The case of the prosecution is that due to previous enmity, the petitioners in an inebriated condition had trespassed into the house of the defacto complainant and assaulted him with iron rod, resulting him in sustaining injuries. Hence the case.

3. The learned counsel appearing for the petitioner would submit that there was a quarrel on 17.07.2022, due to which, the defacto complainant and his friend had assaulted the petitioners. On the complaint given by the petitioners, a case in Crime No.372 of 2022 has been registered against them. He would further submit that the petitioners are innocent and in order to wreck the vengeance, the defacto complainant had foisted a false case against the petitioners. Hence, he prays for grant of anticipatory bail to the petitioners.



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4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that due to previous enmity, the petitioners in an inebriated condition had trespassed into the house of the defacto complainant and created ruckus. Further, the petitioners had assaulted the defacto complainant with iron rod, due to which, he had sustained injuries. He would further submit that the injured has been discharged from the hospital. However, he opposed for grant of anticipatory bail to the petitioners.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.

6. 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 injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



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7. 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 No.I, Udumalpet** 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 automatically 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 **every day at 10.30 a.m., for a period of four weeks and thereafter, every Saturday 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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15.09.2022

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