



Crl.O.P.No.23225 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), 324 and 506(2) of IPC in Crime No.192 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant and the third petitioner are neighbours. On account of throwing garbage in the backyard, there was a wordy altercation, due to which, the petitioners had intimidated, abused and assaulted the defacto complainant and his wife with stick. Hence, the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have nothing to do with the alleged offence. He would further submit that with regard to the same issue, the petitioners had already lodged a complaint before the respondent and case has been registered in Crime No.191 of 2022. Later, as a counter blast, the defacto complainant had given a false complaint against the petitioners and it has been registered in Crime No.192 of 2022. Hence, he prays to grant anticipatory bail to the petitioners.



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4. The learned Government Advocate (Crl.side) would submit that due to wordy altercation, the petitioners had assaulted the defacto complainant and his wife with stick. He would submit that it is a case in counter and the petitioners has no previous cases pending against them. However, he opposed to grant anticipatory bail to the petitioners.

5. Taking note of the facts and submission made by the learned counsel and also taking note of the fact that there is no previous cases pending against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, 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.II, Mannargudi** on condition that the petitioners shall execute a seperate 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 shall report before the respondent police every day at 10.30 am until further orders.

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

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

[g] on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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]*; and;



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[h] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

26.09.2022

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