



Crl.O.P.No.23431 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(ii) of IPC in Crime No.114 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that petitioners and the *de-facto* complainant are vendors in train and due to business motive, the petitioners along with other accused have assaulted the *de-facto* complainant and others, wherein the *de-facto* complainant has lost his two teeth. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that petitioners and the *de-facto* complainant



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are vendors in train and due to business motive, the petitioners along with other accused have assaulted the *de-facto* complainant and others. The major allegations in respect of the 1st petitioner is that he had assaulted the *de-facto* complainant and thereby broken the two teeth of the *de-facto* complainant. He would further submit that there is one previous case pending as against the 1st petitioner. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. In reply, the learned counsel for the petitioners would submit that the major allegations are as against A1 and in respect of others, there is no previous case and there are no specific allegations as against them.

6. Heard the learned counsel. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the 2nd, 3rd, 4th, 5th and 6th petitioners alone with certain conditions.

6. Accordingly, as far as the 1st petitioner is concerned, this petition is dismissed and as far as the 2nd, 3rd, 4th, 5th and 6th petitioners



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are concerned, they 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 - Arakkonam**, on condition that each of 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:

[a] the 2nd , 3rd , 4th , 5th and 6th 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 2nd , 3rd , 4th , 5th and 6th petitioners shall report before the respondent police everyday at 10.30 a.m. and 5.30 p.m., for a period of four weeks and thereafter on every Saturday at 10.30 a.m., until further orders.



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[c] the 2nd , 3rd , 4th , 5th and 6th petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the 2nd , 3rd , 4th , 5th and 6th 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 2nd , 3rd , 4th , 5th and 6th petitioners in accordance with law as if the conditions have been imposed and the 2nd , 3rd , 4th , 5th and 6th 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 abscond, a fresh FIR can be registered under Section 229A IPC.

27.09.2022

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