



Crl.O.P.No.23364 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, 506(ii) of IPC in Crime No.455 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the petitioners suspecting that the defacto complainant had committed theft of cash from their meat shop, had assaulted the defacto complainant. 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 submit that the defacto complainant had committed theft of cash and when the same was questioned by the petitioners, there was a wordy quarrel, due to which, a false complaint has been given against the petitioners. Hence, he prays to grant anticipatory bail to the petitioners.



Crl.O.P.No.23364 of 2022

WEB COPY

4. The learned Government Advocate (Crl.side) would submit that the petitioner are the owners of the meat shop and by suspecting that the defacto complainant had committed theft of cash, had assaulted him with hands. He would further submit that there is no previous case pending against the petitioners. 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 case 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, Dharapuram** 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 sum to the



Crl.O.P.No.23364 of 2022

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 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]*; and;



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Crl.O.P.No.23364 of 2022

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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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Crl.O.P.No.23364 of 2022