



Crl.O.P.No.23864 of 2022

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SATHI KUMAR SUKUMARA KURUP., J.

The Petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 341, 294(b), 323, 324 and 506(ii) of IPC, in Crime No.281 of 2022, seek anticipatory bail.

2.The case of the prosecution is that on 25.09.2022, during the temple festival, there was a wordy quarrel between the Petitioners and the defacto complainant. During the quarrel, the Petitioners have abused the de-facto complainant in a filthy language, intimidated him and also assaulted him with wooden log. Hence, the complaint.

3.The learned counsel appearing for the Petitioners would submit that during the temple festival, there was a wordy quarrel and due to the previous enmity, the de-facto complainant has given an exaggerated complaint against the Petitioners and others. He would also submit that the Petitioner are innocent persons and they have been falsely implicated



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in this case and the Petitioners are prepared to comply with any stringent condition imposed by the Court. Thereby, he prays for grant of anticipatory bail to the Petitioners.

4. The learned Government Advocate (Crl.Side) would submit that there exist a previous enmity, the Petitioners abused the defacto complainant in a filthy language, intimidated him and also assaulted him with wooden log. He would also submit that the injured has been discharged from the hospital and there is no previous case as against the Petitioners. However, he opposed to grant anticipatory bail to the Petitioners.

5. Heard both the learned Counsel and perused the materials available on record.

6. Taking into consideration the facts and the submissions of the learned Counsel and also of the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory



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bail to the Petitioners subject to the following conditions;

7. Accordingly, the Petitioners are ordered to be released on bail in the event of arrest by the Respondent Police or the Police Officer, who intends to arrest or on the Petitioners surrender before the learned XIV Metropolitan Magistrate, Egmore, Chennai, within a period of fifteen days from the date of receipt of a copy of this order, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned XIV Metropolitan Magistrate, Egmore, Chennai. Further, one of the sureties shall be a blood relative.

(a) the sureties shall affix their photographs and left thumb impression in the surety bond. The Police Officer who intends to arrest or the learned Judicial Magistrate before whom the Petitioners surrender and the sureties execute bond shall obtain a copy of their Identity Card, Aadhar Card or Voter Identity Card or Driving Licence or PAN Card or Bank Passbook with Photo affixed and attested by the Bank Manager as proof of Identity.



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(b) the Petitioners shall report before the Respondent Police daily at 10.00 a.m., until further orders.

(c) the Petitioners shall not influence, threaten or coerce the 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 Investigation Officer shall exercise the discretion to cancel the bail by approaching the Court of the learned Judicial Magistrate/Trial Court.

(f) the learned Judicial Magistrate/Trial Court shall on application for cancellation of bail bond by the Investigation Officer shall pass appropriate orders as though bail granted by the learned Judicial Magistrate/Trial Judge himself/herself 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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(g) if the Accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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