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CRL.O.P.No.24328 of 2022

Crl.O.P.No.24328 of 2022

SATHI KUMAR SUKUMARA KURUP., J.

The Petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 341, 294(b), 324 and 307 of IPC in Crime No.136 of 2022, seek anticipatory bail.

2. The case of the prosecution is that on 04.09.2022, the petitioners waylaid the defacto complainant and attacked him with knife, hands and iron pipes, resulting in the de facto complainant sustaining injuries. Hence, the complainant.

3. The learned counsel for the Petitioners submitted that it is a case of civil dispute and the injured person has been discharged from the hospital. He further submitted that the Petitioners are innocent persons and that they did not commit any offence as alleged by the prosecution. He also submitted that there is no previous case as against the petitioners. Hence, he prays for grant of anticipatory bail to the Petitioners.

4. The learned Government Advocate (Crl. Side) submitted that on

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04.09.2022, the petitioners waylaid the defacto complainant and attacked him



with knife, hands and iron pipes, resulting in him sustaining injuries. Further the learned Government Advocate (Crl.side) stated that the injuries discharged from hospital. Therefore, he vehemently opposed for grant of anticipatory bail to the Petitioners.

5. Considering the facts and circumstances of the case and also the fact that the injured are discharged from the Hospital, this Court is inclined to grant anticipatory bail to the Petitioners subject to the following conditions.

6. 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 Judicial Magistrate No-II, Kallakurichi, 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) with two sureties**, each for a like sum to the satisfaction of the learned Judicial Magistrate Court No.II, Kallakurichi. 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



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Identity Card or Driving Licence or PAN Card or Bank Passbook with Photo affixed and attested by the Bank Manager as proof of Identity.

(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;

(g) if the Accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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