



Crl.O.P.Nos.25081 and 25062 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 147, 294(b), 323, 324 and 506(ii) of IPC in Crime No.255 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to previous enmity on account of business motive, the petitioner, who is running a tea shop, assaulted the de facto complainant's employee, resulting in him sustaining injuries. Hence the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and due to previous enmity, a false complainant has been foisted against them. He further submitted that as per the prosecution, the victim, who is alleged to have been attacked, was discharged from the hospital. Hence he seeks anticipatory bail to the petitioners.



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4. The learned Government Advocate (Criminal Side) submits that the petitioners attacked the employee of the de facto complaint, due to which he sustained injuries. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

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

6. Taking into consideration the facts and circumstances and the submissions made on both sides, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the 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 II, Namakkal, on condition that the each of the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees



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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 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 everyday at 10.30 a.m, until further orders.

[c] the petitioners shall not tamper with evidence or 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 learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed



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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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

20.10.2022

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