



Crl.O.P.No.26450 of 2022

A.D. JAGADISH CHANDIRA, J.,

The petitioners, who apprehends arrest for the alleged offences under Sections 147, 148, 294(b), 323, 324, 452, 307 of IPC in Crime No.184 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on a dispute regarding questioning of illegal affair, the petitioners and other have assaulted the defacto complainant with stick, spade and iron rod. 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 due to enmity regarding illicit affair, a false complaint has been given. He would submit that the injured has been discharged from the hospital. The other arrested accused have also been enlarged on bail by the trial Court. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The Government Advocate (Crl.side) would submit that the dispute with regard to questioning of illicit intimacy the accused have assaulted the defacto complainant and her relatives resulting in sustaining injuries. The



arrested accused have been enlarged on bail by the trial Court. He would submit that the injured was also discharged from the hospital. No previous case is pending against the petitioners. He would submit that the investigation is pending.

5. Taking into consideration the facts and circumstances of the case and the submissions made by the learned Government Advocate (Crl.side), 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 or on their appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready, before the Judicial Magistrate No.II, Kallakurichi, on condition that the petitioners shall execute a separate 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 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

<https://www.mhcjudiciary.in/> 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 daily at 10.30am for a period of two weeks and thereafter on every Saturday at 10.30am 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 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.

With the above directions, this Criminal Original Petition is ordered.

01.11.2022

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