



Crl.O.P.No.26064 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 offence punishable under Sections 341, 294(b), 324 and 506(ii) of IPC in Crime No.1726 of 2020, seek anticipatory bail.

2. The case of the prosecution is that the petitioners and the defacto complainant are neighbours and due to previous enmity, the petitioners have picked up a quarrel with the defacto complainant and during the quarrel, the petitioners have abused him in filthy language and also assaulted him with knife. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent person and due to previous enmity, the de-facto complainant has given an exaggerated complaint against the petitioners. He would further submit that the co-accused in this case have already been enlarged on bail. Hence, he prays for grant of anticipatory bail to the petitioners.



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4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioners and the defacto complainant are neighbours and due to previous enmity, the petitioners have picked up a quarrel with the defacto complainant and during the quarrel, the petitioners have abused him in filthy language and also assaulted him with knife. He would further submit that there are four previous cases pending as against the second petitioner and as far as the first petitioner is concerned, no case pending as against him. Hence, he opposed for grant of anticipatory bail to the petitioners.

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

6.Taking into consideration of the fact that the second petitioner/A5 have got four previous cases, this Court is not inclined to grant anticipatory bail to the second petitioner/A5. As far as the first petitioner/A4 is concerned, this Court is inclined to grant anticipatory bail with certain conditions.



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7. Accordingly, the first petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.II, Ponneri on condition that the first petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees 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 first petitioner 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 first petitioner shall report before the respondent Police daily at 10.30 a.m., until further orders.



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[d] the first petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] the first petitioner shall not abscond either during investigation or trial;

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the first petitioner in accordance with law as if the conditions have been imposed and the first petitioner 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]**;

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC;

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