



Crl.O.P.No.26992 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, 148, 294(b), 323, 324, 427 and 506(ii) of IPC, in Crime No.640 of 2022, seek anticipatory bail.

2. The case of the prosecution is that on 24.10.2022, during Deepavali Festival, the de facto and his men were bursting crackers in a dangerous manner nearby the Petty Shop of the 12th petitioner and the sparkings were spread in that shop, when it was questioned by her, there was a quarrel between the petitioners and the de facto complainant and his men, as a result of which, they assaulted each other. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any such offence as alleged by the prosecution. He would further submit that on 24.10.2022, during Deepavali Festival, the de facto complainant and his



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men were bursting firecrackers nearby the 12th petitioner's Petty Shop in a dangerous manner and the sparkings were also spread in her shop, when it was questioned by her, the de facto complainant and his men abused her with filthy language and assaulted her and other petitioners. He would further submit that it is a case and case in counter, based on the complaint given by the petitioners, the counter case in Crime No.641 of 2022 has been registered by the respondent police. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) would submit that during Deepavali Festival there was a fight between the petitioners and the de facto complainant and his men regarding bursting of crackers in a dangerous manner. At that time, the petitioners assaulted the de facto complainant and his men using Iron Pipe. He would further submit that it is a case and case in counter and the injured has been discharged from the hospital. However, he vehemently opposed to grant anticipatory bail to the petitioners.



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

6. Considering the facts and circumstances of the case, the submission of either sides and also considering the fact that it is the case and case in counter, this Court is 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, Omalur, Salem** on condition that each of the 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:



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[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., for a period of three weeks and thereafter every Saturday 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 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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