



Crl.O.P.No.26979 of 2022

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A.D.JAGADISH CHANDIRA.J.

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The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 324 and 506(ii) of IPC in Crime No.984 of 2021, seek anticipatory bail.

2.The case of the prosecution is that there was a quarrel between the petitioners and the defacto complainant with regard to the construction of house in the adjacent land, due to which, the petitioners abused him with filthy language, assaulted him with knife and wooden log, threatened him with dire consequences and caused injuries on him. Hence the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners have not been committed any such offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that the petitioners have earlier granted anticipatory



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bail by this Court in Crl.O.P.No.25793 of 2021 on 03.01.2022. Due to paucity of funds, they were unable to deposit the amount in time and the order has got lapsed. Hence, they filed this present petition seeking for anticipatory bail.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioners were already granted anticipatory bail. He further submit that they failed to deposit the amount and produce the sureties within time and thereby, the earlier order has lapsed. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. In reply, the learned counsel for the petitioners would submit that the petitioners apart from the amount already directed to be deposited are also ready to deposit an amount of Rs.1,000/- each to any welfare scheme of the Government and prays for grant of anticipatory bail to the petitioners.



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6. Merely, because the petitioners have deposited the said amount, it would not amount to admission of their guilt. Therefore, it is open to the trial Court to deal with the case independently.

7. Taking into consideration the facts of the case and the submissions made by the learned counsel and also taking note of the fact that the petitioners have come forward to deposit an amount of Rs.1,000/- each to any welfare scheme of the Government, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. Accordingly, each of the petitioners are directed to deposit a sum of Rs.1,000/- (Rupees One Thousand only) to the credit of **Taluk Legal Services Authority, attached to the concerned Court** and also deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the Legal Services Authority, Chennai as ordered in Crl.O.P.No.25793 of 2021 and on such receipt and on receipt of proof of payment, the petitioners are ordered to be released on bail in the event of arrest or on their



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appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Nannilam, Tiruvarur on condition that each of the petitioners 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 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 on every Wednesday at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation;

[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;



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[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]***; and;

[f] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

10.11.2022

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