



Crl.O.P.No.27112 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 341, 294(b), 323, 324 and 506(ii) of IPC in Crime No.277 of 2022, seek anticipatory bail.

2.The case of the prosecution is that dispute with regard to parking of two wheeler, the petitioners had waylaid and picked up a quarrel with the defacto complainant, during the quarrel, the petitioners along with his friends abused him in filthy language, assaulted him with hands and wooden stick and also threatened him. Hence the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and due to previous enmity, the de-facto complainant has given an exaggerated complaint against the petitioners. He would further submit that they have nothing to do with the alleged offence. Hence, he prays for grant of anticipatory bail to the



Crl.O.P.No.27112 of 2022

petitioners.

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4. The learned Government Advocate (Crl.Side) would submit that dispute with regard to parking of two wheeler, the petitioners had waylaid and picked up a quarrel with the defacto complainant, during the quarrel, the petitioners along with his friends abused him in filthy language, assaulted him with hands and wooden stick and also threatened him. He would further submit that there are two previous cases pending as against the petitioners 1 and 2 and as far as the petitioners 3 and 4 are concerned, no case pending as against them. 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 A1 and A2 have got two previous cases, this Court is not inclined to grant anticipatory bail to the petitioners 1 and 2/A1 and A2. As far as the petitioners 3 and 4/A3 and A4 are concerned, this Court is inclined to grant anticipatory bail



with certain conditions.

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7. Accordingly, the petitioners 3 and 4 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, Denkanikottai**, on condition that the petitioners 3 and 4 shall execute separate 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 3 and 4 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 3 and 4 shall report before the respondent police everyday at 10.30 a.m., until further orders.



Crl.O.P.No.27112 of 2022

[c] the petitioners 3 and 4 shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 3 and 4 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 3 and 4 in accordance with law as if the conditions have been imposed and the petitioners 3 and 4 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.

11.11.2022

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Crl.O.P.No.27112 of 2022

A.D.JAGADISH CHANDIRA, J.

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Crl.O.P.No.27112 of 2022



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CrI.O.P.No.27112 of 2022

11.11.2022