



Crl.O.P.No.27541 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, 341, 294(b), 323, 324, 506(ii) and 307 of IPC, in Crime No.488 of 2022, seek anticipatory bail.

2.The case of the prosecution as per the *de-facto* complainant Baranidaran is that due to previous enmity, on 24.10.2022 at about 7.30 p.m., the petitioners along with other accused had assaulted the defacto complainant with iron rod and on the complaint given by his brother, a case was registered by the Inspector of Police, Annamalai Nagar Police Station. Subsequently, on 25.10.2022 at about 1.30 p.m., the accused had intimidated the defacto complainant and his uncle and also assaulted them with knife resulting in them sustaining injuries. Hence, the complaint.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they are all relatives. He



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would further submit that due to previous enmity, the incident has happened. He would submit that ever as per the First Information Report, only the first accused had inflicted injuries on the victim and there is no specific overt act as against other petitioners and they are not present at the scene of occurrence. He would also submit that A1 has already been arrested and enlarged on bail and hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that while so on 25.10.2022 at about 1.30 p.m., due to previous enmity, the accused had abused the defacto complainant and his uncle in filthy language and also assaulted them with knife resulting in them sustaining injuries. He would further submit that as far as the petitioners 1 and 3 to 5 are concerned, there is one previous case pending against them and as far as the 2nd petitioner is concerned, there is no previous case pending against him. Hence, he opposed for grant of anticipatory bail to the petitioners.



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5.In reply, the learned counsel for the petitioner would submit that the previous case which is stated to have been filed against the petitioners relates to the earlier day's occurrence and other than that, there is no previous case pending against the petitioners. Hence, he prays for grant of anticipatory bail to the petitioners.

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

7.Taking into consideration the facts of the case and the submissions made by the learned counsel, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8.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 No.I, Chidambaram on condition that each of the petitioners shall execute a bond for a sum of Rs.25,000/-



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(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 stay at Trichy and report before the Inspector of Police, Cantonment Police Station, Trichy daily at 10.30 a.m., for a period of four weeks and thereafter, report before the respondent Police daily 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;



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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]**;

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

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