



Crl.O.P.No.27850 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 294(b), 323, 324, 367 and 506(ii) of IPC in Crime No.446 of 2022, seek anticipatory bail.

2. The case of the prosecution is that since the defacto complainant had intimated the Police official about the consumption of Ganja by the petitioners, the petitioners have waylaid him, abused him and also assaulted him with knife. Hence the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that they have nothing to do with the alleged offence. 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 Police would submit since the defacto complainant had intimated the Police official about the consumption of Ganja by the petitioners, the petitioners have waylaid him, abused him and also assaulted him with knife. He would further submit that there is one case pending as against the first petitioner and as far as the petitioners 2 and 3 are concerned, no case pending as against them. Hence he vehemently 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 first petitioner/A1 has got one previous case, this Court is not inclined to grant anticipatory bail to the first petitioner/A1. As far as the petitioners 2 and 3 are concerned, this Court is inclined to grant anticipatory bail with certain conditions.



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7. Accordingly, the petitioners 2 and 3 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.II, Thiruppur on condition that the petitioners 2 and 3 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 2 and 3 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 2 and 3 shall report before the respondent Police daily at 10.30 a.m., until further orders.



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[c] the petitioners 2 and 3 shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners 2 and 3 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 2 and 3 in accordance with law as if the conditions have been imposed and the petitioners 2 and 3 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;

15.11.2022

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