



Crl.O.P.No.28176 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, 147, 148, 294(b), 324, 307, 436, 452, 427 and 506(ii) of I.P.C, in Crime No. 168 of 2022, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that the de-facto complainant's brother got married to the daughter of A7 against the wishes of the family of A7. Thereby, enraged by the same, on 24.10.2022, the accused have joined together and waylaid the de-facto complainant and by abusing him in a filthy language, assaulted him with knife, resulting in him sustaining grievous cut injuries and threatened with dire consequences. Thereafter, they had trespassed into the de-facto complainant's house and caused damage to the house hold articles and electrical items. Hence the case.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent and a false complaint has been given



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against them, due to the existing family dispute regarding the marriage of de-facto complainant's brother and the daughter of the third petitioner. He also submitted that the injured has been discharged from the hospital on 10.11.2022 and subsequently, compromise talks are going between the parties. He also would submit that co accused in this case have been granted bail by this Court in Crl.O.P.No.28072 of 2022 dated 16.11.2022. Hence, he prays for grant of anticipatoy bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that due to the existing family dispute, the accused have joint together and waylaid the de-facto complainant and by abusing him in a filthy language, assaulted him with knife, resulting in him sustaining grievous cut injuries and threatened with dire consequences. He further submitted that the accused had also trespassed into the house of the de-facto complainant and caused damage to the house hold articles and electrical items. He also stated that there is no previous case as against the petitioners and the co accused in this case have been granted



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bail by this Court in Crl.O.P.No.28072 of 2022 dated 16.11.2022, however, he opposed for grant of anticipatory bail to the petitioners.

5. Taking into consideration of the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. 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.II, Mannargudi** on condition that the petitioners shall execute a 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 and the sureties shall affix



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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 daily at 10.30 am for a period of four weeks and thereafter every Saturday at 10.30 am 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]**.



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

22.11.2022

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