



Crl.O.P.No.28218 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 offence punishable under Sections 294(b), 324 and 506(i) of IPC in Crime No.263 of 2022, seek anticipatory bail.

2. The case of the prosecution is that due to previous enmity, the petitioners have abused the defacto complainant in filthy language and also assaulted him with fire wood, resulting in him sustaining injuries on his right hand. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners were earlier granted anticipatory bail in Crl.M.P.No.2048 of 2022 dated 26.05.2022. He would further submit that the petitioners were unable to execute the sureties in time and the order has been lapsed. Hence, he filed Crl.M.P.No.3540 of 2022 before the trial Court seeking for extension and the same was dismissed by the trial Court. Hence, the present petition has been filed before this Court.



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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 appear before the Court and execute the sureties and thereby, the earlier order has lapsed. He would further submit that they filed another application for extension of time to execute the sureties and the same was dismissed by the trial Court. He would also submit that the injured has been discharged from the hospital. 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 are 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.

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.



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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 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 appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Omalur on condition that each of the petitioners shall execute separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties 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



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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 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;

[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;

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