



Crl.O.P.No.28643 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 143, 294(b), 323 and 506(ii) of IPC in Crime No.665 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the petitioners who are the customers in the hotel run by the defacto complainant refused to pay after eating. When it was questioned by the defacto complainant's staff, there was a wordy quarrel, during the quarrel, the petitioners have assaulted his staff with hands and also threatened the defacto complainant and his staff. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners and the defacto complainant are known to each other and due to previous enmity, a false complaint has been given against them. He would further submit that they have nothing to do with the alleged offence. Hence, he prays to grant anticipatory bail to the petitioners.



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4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners who are the customers in the hotel run by the defacto complainant refused to pay after eating. When it was questioned by the defacto complainant's staff, there was a wordy quarrel, during the quarrel, the petitioners have assaulted his staff with hands and also intimidated them. He would further submit that there is no previous case pending against them. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Heard the learned counsel for the petitioners as well as the learned Additional Public Prosecutor for the respondent and perused the entire materials available on record.

6. Taking into consideration the facts and circumstances 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.



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7. 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, Sriperumandur** on condition that each of the petitioners shall execute a 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 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 everyday 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.

22.11.2022

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