



Crl.O.P.No.28634 of 2022

Crl.O.P.No.28634 of 2022

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), 324, 379 and 506(ii) of IPC in Crime No.397 of 2022, seek anticipatory bail.

2.The case of the prosecution as per the defacto complainant/Selvakumar is that there was a dispute with regard to withdrawing of money from ATM, the petitioners have abused him, assaulted him and also misbehaved with the wife of the defacto complainant and snatched a gold chain. Hence the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have nothing to do with the alleged offence. He would further submit that the defacto complainant attempted to misbehave with a lady who is standing in the queue and during the quarrel, the incident has happened. He would



Crl.O.P.No.28634 of 2022

further submit that the injured has been discharged from the hospital.

Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that there was a dispute with regard to withdrawing of money from ATM, the petitioners have abused him, assaulted him and also misbehaved with the wife of the defacto complainant and snatched a gold chain. He would also submit that the injured has been discharged from the hospital and there is no previous case as against the petitioners. However, he opposed for grant of 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 and also 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.



Crl.O.P.No.28634 of 2022

WEB COPY 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, Thiruvarur**, 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.



Crl.O.P.No.28634 of 2022

[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]**.

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

22.11.2022

vkr



WEB COPY



Crl.O.P.No.28634 of 2022

A.D.JAGADISH CHANDIRA, J.

vkf

Crl.O.P.No.28634 of 2022

22.11.2022