



Crl.O.P.Nos.28886 & 28889 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 and 506(ii) of IPC in Crime No.310 of 2022, seek anticipatory bail.

2. The case of the prosecution is that due to previous enmity, the petitioners along with other accused have abused the defacto complainant with filthy language and also assaulted him with hands, resulting in him sustaining injuries. Hence the complaint.

3.The learned counsel for the petitioners would submit that the petitioners and the defacto complainant are known to each other. He would further submit that the defacto complainant misbehaved with the woman relatives of the first petitioner namely Prem and the same was questioned by the petitioners, a false complaint has been given against them. Hence, he prays for grant of anticipatory bail to the petitioners.



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4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that due to previous enmity, the petitioners along with other accused have abused the defacto complainant in filthy language and also assaulted him with hands, due to which, he had sustained injuries. He would further submit that as far as the petitioner in Crl.O.P.No.28889 of 2022 is concerned, there is one previous case pending against him. Hence he vehemently opposed for grant of anticipatory bail to the petitioners.

5.At this juncture, the learned counsel for the petitioners would submit that the case is of the year 2013 and in respect of practising allopathy medicine without valid license, a case has been registered against the petitioner in Crl.O.P.No.28889 of 2022 and in that case, the petitioner has already been granted anticipatory bail. Apart from this, there is no case pending against him for the past 9 years. Hence, he prays for grant of anticipatory bail to the petitioners.



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6.Taking into consideration the facts and circumstances of the case and also of the submissions made by the learned counsel for the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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 No.II, Walaja 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.



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[b] the petitioners shall report before the respondent Police daily at 10.30 a.m., for a period of four weeks and thereafter, on every Saturday 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]**;

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



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