



Crl.O.P.No.30423 of 2022

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T.V.THAMILSELVI,J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 427 and 506(ii) of IPC in Crime No.368 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant is a Union Secretary of PMPK Party. On 29.11.2022, the petitioners 1 and 2 have abused the defacto complainant in a filthy language and the 2nd petitioner pulled and thrown his party flag on the road the petitioners 3 and 4 have attacked him. Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) would submit that



Crl.O.P.No.30423 of 2022

on 29.11.2022, the petitioners 1 and 2 have abused the defacto complainant in a filthy language and the 2nd petitioner pulled and thrown his party flag on the road the petitioners 3 and 4 have attacked him. Hence, he opposed for grant of anticipatory bail to the petitioners.

5. Taking into consideration the facts and circumstances of the case and also the submissions made by the learned Government Advocate (Crl.Side), 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 DM cum JM, Pochampalli**, on condition that the petitioners shall execute separate bond for a sum of **Rs.10,000/- (Rupees Ten 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



CrI.O.P.No.30423 of 2022

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 1 and 2 shall report before the respondent police as and when required for interrogation and the petitioners 3 and 4 shall report before the respondent police every Wednesday at 10.30a.m. for a period of three months;

[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;

T.V.THAMILSELVI,J.

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Crl.O.P.No.30423 of 2022

[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.

12.12.2022

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Crl.O.P.No.30423 of 2022