



Crl.O.P.No.30626 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 147, 148, 294(b), 323, 324 and 506(ii) of IPC in Crime No.708 of 2022, seek anticipatory bail.

2.The case of the prosecution is that due to the previous enmity with one Kavitha on account of evicting the de-facto complainant and his friends from playing Ludo, the accused abused the de-facto complainant and his friends in a filthy language and assaulted them with knife, wooden logs and hand, causing grievous injuries and threatened them with dire consequences. In order to exercise a right of private defence, the de-facto complainant and his friends have also assaulted the accused and said Kavitha and her husband. The injured were admitted in the hospital. Hence the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and due to civil dispute, a false complaint



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has been given against them. He would further submit that it is a case and a case in counter. He would also submit that the third petitioner in this case has already been arrested and enlarged on bail. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (crl.side) appearing for the respondent would submit that due to previous enmity, the accused abused the de-facto complainant and his friends in a filthy language and assaulted them with knife, wooden logs and hand, causing grievous injuries and threatened them with dire consequences. He would further submit that the injured has been discharged from the hospital. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Heard the learned counsel for the petitioners as well as the learned Government Advocate (Crl.side) for the respondent and perused the entire materials available on record.

6. Taking into consideration of the fact that the third petitioner in this case has already been enlarged on bail, this Court is not inclined to grant anticipatory bail to the third petitioner and hence, the Criminal



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Original Petition is dismissed as infructuous in respect of the third petitioner. As far as the petitioners 1, 2, 4 and 5 are concerned, this Court is inclined to grant anticipatory bail with certain conditions.

7. Accordingly, the petitioners 1, 2, 4 and 5 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.I, Thiruvottiyur** on condition that each of the petitioners 1, 2, 4 and 5 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 condition that :

[a]the petitioners 1, 2, 4 and 5 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, 2, 4 and 5 shall report**



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**before the respondent police on every Wednesday at 10.30 a.m., for a period of two months.**

[c] the petitioners 1, 2, 4 and 5 shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners 1, 2, 4 and 5 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 1, 2, 4 and 5 in accordance with law as if the conditions have been imposed and the petitioners 1, 2, 4 and 5 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]***; and;

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

**14.12.2022**

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