



Crl.O.P.No.30612 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 and 506(ii) of IPC @ 294(b), 448, 324, 307 and 506(ii) of IPC in Crime No.320 of 2022, seek anticipatory bail.

2.The case of the prosecution is that due to previous enmity, the petitioners have trespassed into the house of the defacto complainant, abused him in filthy language, attacked him and also attempt to murder him. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners and defacto complainant are neighbours and due to previous enmity, a false complaint has been given against them. 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 petitioners have trespassed into the house of the defacto complainant, abused him in



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filthy language, attacked him and also attempt to murder him. He would further submit that during the course of investigation, the offence is altered to one under Section 448, 324, 307 and 506(ii) of IPC in Crime No.320 of 2022. 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.At this juncture, the learned counsel for the petitioners would further submit that without prejudice the petitioners are ready and willing to deposit a sum of Rs.10,000/- each to the credit of the Crime No.320 of 2022 towards the alleged medical expenses incurred by the defacto complainant. Hence, he prays for grant of anticipatory bail to the petitioner.

6.Taking into consideration the facts and circumstances of the case and also of the fact that without prejudice the petitioners are ready and willing to deposit a sum of Rs.10,000/- each to the credit of the Crime No.320 of 2022, this Court is inclined to grant anticipatory bail with certain conditions.



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7. Accordingly, the petitioners are directed to **deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) each to the credit of Crime No.320 of 2022** and on such receipt and receipt of proof of payment, 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, Vaniyambadi** on condition that each of the petitioners shall execute a 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 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 deposit a sum of



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Rs.10,000/- (Rupees Ten Thousand only) each to the credit of Crime No.320 of 2022, before the concerned Magistrate, at the time of furnishing sureties and the learned trial Judge shall disburse the amount to the defacto complainant, who shall utilize the said amount for medical expenses.

[c] the petitioners shall report before the respondent police on every Saturday at 10.30 a.m., for a period of two months.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioners shall not abscond either during investigation or trial;

[f] 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]*; and;

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



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