



Crl.O.P.No.30761 of 2022

Crl.O.P.No.30761 of 2022

WEB COPY

T.V.THAMILSELVI, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 294(b), 323, 324 and 506(ii) of IPC in Crime No.26 of 2022, seek anticipatory bail.

2. The case of the prosecution is that there was a wordy quarrel between the petitioners and the defacto complainant with regard to bursting of crackers and the same was questioned by the defacto complainant, they have abused and assaulted each other. Hence the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and due to previous enmity, a false complaint has been given against them. He would further submit that in fact the de-facto complainant had assaulted the petitioners in respect of which, a counter case has also been registered on the complaint given by the petitioners and it is a case and case in counter. Hence, he prays for



Crl.O.P.No.30761 of 2022

grant of anticipatory bail to the petitioners.

WEB COPY

4. The learned Government Advocate (crl.side) appearing for the respondent would submit that there was a wordy quarrel between the petitioners and the defacto complainant with regard to bursting of crackers and the same was questioned by the defacto complainant, they have abused and assaulted each other. He would further submit that the injured has been discharged from the hospital. However, he opposed for grant of anticipatory bail to the petitioners.

5. Taking into consideration the facts of the case and the submissions made by the learned counsel and also taking note 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.

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



Crl.O.P.No.30761 of 2022

the learned Judicial Magistrate, Valparai on condition that the petitioners shall execute separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 on every Wednesday at 10.30 a.m., for a period of eight weeks.

[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



WEB COPY



Crl.O.P.No.30761 of 2022

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;

vk

16.12.2022



WEB COPY



Crl.O.P.No.30761 of 2022

T.V.THAMILSELVI, J.

vkf

Crl.O.P.No.30761 of 2022



WEB COPY



CrI.O.P.No.30761 of 2022

16.12.2022