



Crl.O.P.No.31860 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.719 of 2022, seek anticipatory bail.

2. The case of the prosecution is that A1 is the friend of defacto complainant and when the defacto complainant's father died, he went to colie work and avoided A1, for which the A1 became inimical towards the defacto complainant and with the other accused he went to the house of the defacto complainant and assaulted him. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and false complaint has been lodged against them. The learned counsel, on instructions, would further submit that the petitioners, without prejudice to their rights, are ready to deposit the amount of **Rs.10,000/- (Rupees Ten Thousand Only) totally** to the



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credit of the crime number. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) would submit that A1 with the other accused went to the house of the defacto complainant and assaulted him. Hence, he opposed for grant of anticipatory bail to the petitioners.

5. Heard both sides and perused the materials. Taking into consideration the facts and circumstances of the case, 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 Judicial Magistrate, Thiruvottiur** on condition that each of 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



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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 shall deposit a amount of **Rs.10,000/- (Rupees Ten Thousand Only) totally** to the credit of the crime number within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate, Thiruvottiur**, and on such deposit, the defacto complainant is permitted to withdraw the said deposit amount on proper identification and acknowledgment;

[b] 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;

[c] the petitioners shall report before the respondent Police every Saturday at 10.30 a.m. for a period of eight weeks and thereafter as and when required for interrogation;

[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;



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[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]**;

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

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