

Crl.O.P.No.31763 of 2022

T.V.THAMILSELVI, J.

The petitioners, who apprehend arrest for the alleged offence under Sections 147, 341, 294(b), 323, 354, 355 IPC in Cr.No.86 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to previous enmity, the petitioners are alleged to have waylaid the defacto complainant and attacked him and his wife with hands. Due to which they both sustained injuries and were admitted in the hospital. Hence, the case.

3. Learned counsel appearing for the petitioner submits that the petitioners are innocent persons and they have been falsely implicated in this case. He would submit that due to a previous enmity, the defacto complainant has given a false complaint as against the petitioners and that a counter case in Cr.No.87 of 2022 has also been registered as against the defacto complainant. Hence, he prays to grant anticipatory bail to the petitioners.



4. Learned Government Advocate (Crl.Side) appearing for the respondent would submit that due to previous enmity, the petitioners are alleged to have waylaid the defacto complainant and attacked him and his wife with hands. Due to which they both sustained injuries and were admitted in the hospital. He would submit that it is a case and a case in counter. Further that the injured have been discharged from the hospital. However, he oppose for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and that the injured have been discharged from the hospital and that it is a case and a case in counter, this Court is inclined to grant anticipatory bail to the petitioners.

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 of receipt of a copy of this order, before the learned **District Munsif Cum Judicial Magistrate, Pennagaram** on condition that the petitioners shall execute a 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 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 Court concerned 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 as and when required for interrogation;

(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 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 anticipatory 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;

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

23.12.2022

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