

Crl.O.P.No.32183 of 2022

T.V.THAMILSELVI, J.

The petitioners, who apprehend arrest for the alleged offence under Sections 147, 294(b), 323, 324, 506(ii) IPC in Cr.No.116 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that there was a money dispute between the first petitioner and the defacto complainant. Due to which, on 13.03.2022, while the defacto complainant was in his house, the petitioners are alleged to have attacked him with stones and also assaulted him with their hands and legs. 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 there was a previous enmity, a false complaint has been given as against the petitioners. He would further submit that already anticipatory bail was granted to the petitioners in Crl.M.P.No.2732 of 2022 with certain conditions. However, the anticipatory bail granted has been cancelled due to a delay in complying with the conditions. Thereafter,



the petitioners filed a petition for extension of time before the learned Principal Sessions Judge, Salem, Salem District in Crl.M.P.No.3774 of 2022 and the same was dismissed on 14.11.2022. Hence, he prays to grant anticipatory bail to the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent would submit that there was a money dispute between the first petitioner and the defacto complainant. Due to which, on 13.03.2022, while the defacto complainant was in his house, the petitioners are alleged to have attacked him with stones and also assaulted him with their hands and legs. Hence, he oppose for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and that the anticipatory bail already granted to the petitioners by the Court below has been cancelled due to a lapse in complying with the conditions and now, the petitioners are ready to comply with the conditions, 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 **Judicial Magistrate No.II, Attur** 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 on every Wednesday at 10.30 a.m. for a period of six weeks and thereafter, appear before the trial Court on all hearing dates.

(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;

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(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;

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

23.12.2022

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