

**Crl.O.P.No.32477 of 2022****A.A.NAKKIRAN, J.**

The petitioners who apprehend arrest for the alleged offence under Sections 294 (b), 448, 323 and 506(i) of IPC in Cr.No.259 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 30.11.2022 petitioners have abused and assaulted the defacto complainant with hands. Hence, the present complaint.

3. The learned counsel appearing for the petitioners submitted that the petitioners have not been committed any offence as alleged by the prosecution. He further submits that there is a case in counter registered against the defacto complainant. The facts stated in the FIR are fabricated, concocted and without any basis. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.side) submitted that A1 attacked the defacto complainant and caused injuries. He would further submit that the injured has been discharged from the hospital and there is no previous case against the petitioners. However, he vehemently opposed to grant anticipatory bail to the



petitioner.

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5. Considering the fact that there is a case in counter and the injured have been discharged from the hospital, 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, Sendamangalam, Namakkal District***, on condition that 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 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 daily at 10.30 a.m. for a period of four weeks and thereafter, as and when required for



interrogation;

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(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 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.

28.12.2022

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