



Crl.O.P.No.32439 of 2022

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A.A.NAKKIRAN, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 341, 294(b), 323, 324 and 506(2) of IPC, in Crime No.446 of 2022, seek anticipatory bail.

2. The case of the prosecution is that, due to previous enmity between the petitioners and the defacto complainant, the petitioners along with two others abused the defacto complainant in a filthy language and assaulted him causing injury. Hence, the complaint.

3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and that they did not commit any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioners .

4. The learned Government Advocate (Crl.Side) submitted that there are totally four accused in this case and the petitioners herein are arrayed as A1 & A4. He further submitted that due to previous enmity between the petitioners and the defacto complainant, the petitioners attacked the defacto complainant



with wooden log thereby causing injury. He further submits that the petitioner A1 has three previous cases against him and he is the history sheeter and the petitioner A4 has no previous case against him. He further submits that the injured has been discharged from the hospital. Hence, he vehemently opposed to grant anticipatory bail to the petitioners .

5. Considering the facts and circumstances of the case and also the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of their arrest by the respondent police or the police Officer, who intends to arrest or on the Petitioner surrenders before the learned Judicial Magistrate, Tiruvarur, within a period of fifteen days from the date of receipt of a copy of this order, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties for a like sum/amount to the satisfaction of the learned Judicial Magistrate, Tiruvarur.

(a) the sureties shall affix their photographs and left thumb impression



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in the surety bond. The police Officer who intends to arrest or the learned Judicial Magistrate before whom the Petitioner surrenders and the sureties execute bond shall obtain a copy of their Identity Card, Aadhar Card, or Voter Identity Card or Driving Licence or PAN Card or Bank Passbook with Photo affixed and attested by the Bank Manager as proof of Identity.

(b) the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders.

(c) the petitioners shall not influence, threaten or coerce the 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 Investigation Officer shall exercise the discretion to cancel the bail by approaching the Court of the learned Judicial Magistrate/Trial Court.

(f) the learned Judicial Magistrate/Trial Court shall on application for cancellation of bail bond by the Investigation Officer shall pass appropriate orders as though bail granted by the learned Judicial Magistrate/Trial Judge

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himself/herself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs.***

State of Kerala [(2005) AIR SCW 5560]; and;

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

28.12.2022

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