



Crl.O.P.No.6479 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 324 and 506(ii) of IPC in Crime No.46 of 2022, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Sarabose, is that on 12.06.2022 at about 12.00 a.m, while the defacto complainant was in his residence, the petitioners herein trespassed into the house of the defacto complainant and attacked him wooden log and also abused him with filthy language and on seeing this the neighbours came to the scene of occurrence and they threatened them of dire consequences. Hence the complaint.

3. The learned counsel for the petitioners submit that this is the second application for anticipatory bail. He would further submit that the earlier application for anticipatory bail was filed on behalf of the petitioners in Crl.OP.No.15139 of 2022 and the same was dismissed by this Court on 01.07.2022 stating that the petitioners have got five



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previous cases pending against them. He would further submit that only in respect of the second petitioner Aswin @ Aswinkumar, there are five previous cases pending against him and in respect of other petitioners who are arrayed as A1, A6 and A7 are concerned, there are no previous cases pending against them.

4.The learned Government Advocate (Crl. Side) appearing for the respondent Police would submit that this Court has dismissed the earlier anticipatory bail application in Crl.OP.No.15139 of 2022 by an order dated 01/07/2022 however, as far as the petitioners who are arrayed as A1, A6 and A7 are concerned there are no previous cases pending against them and the second petitioner A2 is concerned, he has got five previous cases pending against him. Thereby, he vehemently opposed to grant anticipatory bail to the petitioners.

5.Taking into consideration of the fact that the second accused/A2 has been arrested and remanded to judicial custody and he is also having five previous cases pending against him, the petition in



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respect of A2 is dismissed. As far as the first, sixth and seventh petitioners are concerned, this Court is inclined to grant anticipatory bail with certain conditions.

6. Accordingly, the 1st, 6th and 7th 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, Thiruthuraipoondi, Thiruvarur District, on condition that the 1st, 6th and 7th petitioners shall execute a bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) each, 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the 1st, 6th and 7th 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.

[b] the 1st, 6th and 7th petitioners shall report



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before the respondent police everyday at 10.30 a.m.,
for a period of two weeks and thereafter on every
Saturday at 10.30 a.m, until further orders;

[c] the 1st, 6th and 7th petitioners shall not
tamper with evidence or witness either during
investigation or trial;

[d] the 1st, 6th and 7th 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 1st, 6th
and 7th petitioners in accordance with law as if the
conditions have been imposed and the 1st, 6th and 7th
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]**;

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

27.03.2023

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