



Crl.O.P.No.424 of 2023

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T.V.THAMILSELVI,J.

The petitioners, who apprehend arrest at the hands of the respondent Police for the alleged offences punishable under Sections 294(b), 323, 324 & 506(ii) of IPC, in Crime No.Not Known of 2022, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that the petitioners have abused the de-facto complainant and assaulted him, when the de-facto complainant had watched the fight occurred between the petitioners' family and one Anandhayi family for performing black magic due. Hence, the case.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and due to the previous enmity, they have been falsely implicated in this case. He further submitted that the petitioners are ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioners.



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4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that there was a fight between the petitioners' family and one Anandhayi family for performing black magic and the de-facto complainant had watched the same, due to which, the accused have abused and assaulted him, resulting in which he sustained injuries. He further submitted that based on the complaint given by the de-facto complainant, a case in crime No.355 of 2022 was registered by the respondent and he also stated that the second petitioner here in is not the accused in this case. Hence, he opposed to grant anticipatory bail to the petitioners 1, 3 & 4.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel for the petitioners and also taking note of the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners 1, 3 & 4 with certain conditions.



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7. Accordingly, the criminal original petition in respect of the second petitioner is Dismissed as Infructuous and in respect of the remaining petitioners, the petition is ordered and the petitioners 1, 3 & 4 are ordered to be released on anticipatory 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, Edappadi**, on condition that the petitioners 1, 3 & 4 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners 1, 3 & 4 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 petitioners 1, 3 & 4 shall report before the respondent police as and when required;

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[c] the petitioners 1, 3 & 4 shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners 1, 3 & 4 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 1, 3 & 4 in accordance with law as if the conditions have been imposed and the petitioners 1, 3 & 4 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.

24.01.2023

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