



Crl.O.P.No.744 of 2023

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T.V.THAMILSELVI, J.

The petitioners, who apprehend arrest for the alleged offence under Sections 147, 148, 294(b), 341, 323, 324, 354, 427 of IPC in Cr.No.2 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that during night hours, the defacto complainant in a drunken mood, dashed his bike in the legs of one Kaviraj/A3 and at the time a wordy quarrel arose between the petitioners and his family members and the defacto complainant. To wreck vengeance, the defacto complainant came along with one Janaki with rowdy elements attacked the petitioners with a wooden log and sustained injuries. Hence the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution. He further submit that the petitioners and defacto complainant attacked each other and sustained bodily injuries. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.side) would submit that the



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victim discharged from the hospital. He further submitted that this is case is counter. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the fact that this is case in counter and the victim has discharged from the hospital. The petitioners are ready and willing to deposit some amount to the credit of Cr.No. 2 of 2022, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are directed to deposit a sum of **Rs.10,000/- (Rupees Ten Thousand Only) to the credit of crime No.2 of 2023 within a period of three weeks from the date on which the order copy made ready**, and on such deposit the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned **Additional Mahila Court, Salem, Salem District**, on condition that the petitioner 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, failing which, the petition



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for anticipatory bail shall stand dismissed and on further condition that:

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[a] the 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 petitioners shall deposit a sum of **Rs.10,000/- (Rupees Ten Thousand Only) to the credit of crime No.2 of 2023 within a period of four weeks** from the date on which the order copy made ready and the defacto complainant's family is permitted to withdraw the said amount on proper identity.

[c] the final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of trial.

[d] the petitioners shall appear before the respondent police every Saturday at 10.30 a.m., for a period of six weeks and thereafter, as and when required for interrogation.

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial.

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[f] the petitioners shall not abscond either during investigation or trial.

[g] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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]**.

[h] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

12.01.2023

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