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Crl.O.P.No.632 of 2023



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**T.V.THAMILSELVI, J.**

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 506(i) IPC in Crime No.4 of 2023, seek anticipatory bail.

2. The case of the prosecution is that the petitioners waylaid the defacto complainant's and stolen his cell phone and they refused to return the cell phone due to which the wordy quarrel arose between them. Therefore, the petitioners assaulted the defacto complainant and threatened him with dire consequences. 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. Therefore, he prays to grant anticipatory bail to the petitioners.



4. The learned Government Advocate (Crl.Side) would submit that the victim is discharged from the hospital. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Taking into consideration the facts and the submissions and that the petitioners are ready and willing to deposit some amount to the credit of Cr.No.4 of 2023, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are directed to deposit a sum of **Rs.5,000/- (Rupees Five Thousand Only) to the credit of crime No. 4 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 **Judicial Magistrate Kumarapalayam**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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:

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[a] the petitioner 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.5,000/- (Rupees Five Thousand Only) to the credit of crime No.4 of 2023 within a period of four weeks** from the date on which the order copy made ready

[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 Wednesday 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.

[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



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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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