

**Crl.OP.No.1638 of 2023**

WEB COPY

A.A.NAKKIRAN J.

The petitioners, who apprehend arrest for the alleged offence under Sections 147, 148, 294(b), 323, 324 and 506(ii) of IPC in Cr.No.356 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and the defacto complainant are neighbours and when they were playing magic game, there was a dispute between them on 10.12.2022. Subsequently, on the very next day i.e on 11.12.2022, the petitioners abused the daughter of the defacto complainant and also picked up quarrel with the family members of the defacto complainant and attacked them with deadly weapons and thereby, caused grievous injuries to them. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any such offence as alleged by the prosecution and they have been falsely implicated in this case. He would further submit that now, the injured has been discharged from the hospital and hence, he prays to grant anticipatory bail to the petitioners.



WEB COPY

4.The learned Government Advocate (Crl.side) appearing for the respondent would submit that the injured has been discharged from the hospital and also six witnesses were examined on the prosecution side. However, considering the gravity of the offence, he opposed to grant anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and the submissions made on either side **and also the fact that the injured has been discharged from hospital,** this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are directed 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, Edappadi** on condition that each of the petitioners 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 for anticipatory bail shall stand dismissed and on further condition that:

(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond



and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall report before the respondent police daily at 10:30 a.m., until further orders.

(c)the petitioners shall not tamper with evidence or 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 learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the 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]*; and;

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

09.02.2023

uma

A.A.NAKKIRAN J.

uma



WEB COPY



Crl.OP.No.1638 of 2023

09.02.2023