



Crl.O.P.No.1416 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 147, 294(b), 324 & 506(ii) of IPC, in Crime No.11 of 2023, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that due to the previous enmity, on 09.01.2023, at about 2.45 a.m., the accused abused the de-facto complainant and his brother in a filthy language and later at 3.30 a.m., they assaulted the de-facto complainant, due to which, he sustained injuries. Hence, the case.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the first petitioners is the writer in a temple at Thanjavur and the second petitioner is the first year law student and they are father and son respectively. He further stated that due to the previous enmity, the de-facto complainant has lodged a false complaint as against the petitioners.



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He also stated 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.

4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioners have abused the de-facto complainant and assaulted him, causing injuries. He also submitted that it is a case and a case in counter. He further submitted that the investigation is almost completed, however, he opposed to grant anticipatory bail to the petitioners.

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, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on



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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 **District Munsif cum Judicial Magistrate, Valangaiman, Thiruvarur District**, on condition that the petitioners 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 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 report before the respondent police, as and when required for interrogation;

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;

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[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]**;

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

24.01.2023

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