



CrI.O.P.No.2708 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 341, 323, 324 and 307 of IPC in Crime No.59 of 2023, seek anticipatory bail.

2. The case of the prosecution as per the de facto complainant H.Mamalaivasan is that on 21.01.2023, when the de facto complainant met A1 on his invitation, at that time, the petitioners along with other accused were wrongfully restrained him, and scolded him with filthy language and also attacked him by knife. Hence, the complaint was registered against the petitioners.

3. The learned Counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He would further submit that the petitioners and the de facto complainant belong to the same party and due



CrI.O.P.No.2708 of 2023

to political rivalry, a false complaint has been given against the petitioners. He would further submit that the arrested accused have been enlarged on bail and the petitioners have no previous cases against them. He would also submit that the petitioners are ready and willing to furnish solvent sureties and to abide by any stringent condition that may be imposed on them. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that on 21.01.2023, when the de facto complainant met A1 on his invitation but with regard to political rivalry, the petitioners along with other accused were wrongfully restrained him, and scolded him with filthy language and also attacked him by knife. He would further submit that there is no previous case pending as against the petitioners. However, he vehemently opposed to grant anticipatory bail to the petitioners.



CrI.O.P.No.2708 of 2023

WEB COPY

5. Heard both sides and perused the materials available on record including the FIR.

6. Considering the above facts and circumstances of the case, the submissions made by Counsel on either side, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered 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 No.III, Tiruppur**, on condition that each of the petitioner shall execute a separate bond for a sum of **Rs.25,000/- (Rupees Twenty Five 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:



CrI.O.P.No.2708 of 2023

[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 his Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent police every day 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]**.

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

16.03.2023

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Crl.O.P.No.2708 of 2023

A.D.JAGADISH CHANDIRA, J.

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Crl.O.P.No.2708 of 2023

16.03.2023