

Crl.O.P.No.2981 of 2023

T.V.THAMILSELVI, J.

The petitioners, who apprehend arrest for the alleged offence under Section 147, 148, 294(b), 323, 324, 506(i) of IPC in Cr.No.43 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to previous enmity, the petitioners abused the defacto complainant in filthy language and assaulted with iron rod and in the said attack the defacto complainant sustained grievous injuries. Thereby, the law enforcing agency registered a case against the petitioners.

3.The learned counsel appearing for the petitioners submits that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that there is a case and case in counter in F.I.R.No.42 of 2023 under Section 294(b) and 323 of IPC against the defacto complainant. He also submitted that in order to escape from the clutches of law, the above false case has been foisted. Hence, he prays to grant anticipatory bail to the petitioners.



4.The learned Additional Public Prosecutor appearing for the respondent submits that due to previous enmity, the petitioners abused the defacto complainant in filthy language and assaulted with iron rod and in the said attack the defacto complainant sustained grievous injuries. He also submitted that the injured person is discharged from the hospital and there is no previous case pending against the petitioners. However, he vehemently oppose to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and the fact that the injured person has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on anticipatory bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned *Judicial Magistrate, Senthamangalam*, 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 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 first, second and third petitioners are directed to report before the respondent police daily at 10.30 a.m. for a period of four weeks and thereafter, as and when required for interrogation and the fourth, fifth and sixth petitioners are directed to 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;

(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 anticipatory bail by



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the learned

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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.

14.02.2023

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