



Crl.O.P.No.3570 of 2023

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T.V.THAMILSELVI, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323 and 506(ii) of I.P.C, in Crime No.243 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioners had committed an offence of theft of Electrical wire. When the same was questioned, the petitioners along with some others abused and assaulted the defacto complainant with hands. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are an innocent person and they have been falsely implicated in this case. He also submitted that due to previous enmity, the defacto complainant has given a false complaint. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the



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respondent would submit that the petitioners and the defacto complainant are living in the same village and the petitioners had committed an offence of theft of electrical wire, when the same questioned, the petitioners abused and attacked him with hands. Due to the said impact the defacto complainant sustained injuries and now, the injured has been discharged from the hospital. However, he opposed to grant anticipatory bail to the petitioners.

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

6. 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 of receipt of a copy of this order, before the learned **Judicial Magistrate No.II, Thiruvallur**, on condition that the each 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



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Magistrate concerned and on further condition that:

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[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 daily at 10.30 a.m., for a period of two months;

[c] the petitioners are directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Crime No.243 of 2021 within a period of two weeks from the date of receipt of copy of this order and produce the receipt before the concerned Magistrate.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate



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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].

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

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16.02.2023

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