

**Crl.O.P.No.4141 of 2023****WEB COPY T.V.THAMILSELVI,J.**

The petitioners, who apprehend arrest for the alleged offence under Sections 294(b), 323, 324 506(ii) of IPC in Cr.No.42 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to previous enmity with regard to amount transaction between the first petitioner and de-facto complainant, the petitioners abused the de-facto complainant by filthy languages and assaulted the de-facto complainant. Due to which, de-facto complainant sustained injuries. Hence, the complaint.

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. However, the learned counsel, on instructions, would further submit that the petitioners, without prejudice to their rights, are ready to deposit the amount of **Rs.10,000/- (Rupees Ten Thousand only)** **totally** to the credit of the **Crime No.42 of 2023**. Hence, he prays for grant of anticipatory bail to the petitioners.



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4. The learned Government Advocate (Crl.side) submits that petitioners attacked the de-facto complainant. Due to which, the de-facto complainant sustained head injury. He further submitted that the injured person has been discharged from the hospital.

5. Considering the facts and circumstances of the case and the injured person has been discharged from the hospital and the petitioners are ready and willing to deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only) totally** to the credit of crime number, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are directed to deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only) totally** to the credit of **Crime No.42 of 2023**, within a period of two weeks from the date on which the order copy made ready, and on such deposit the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned ***District Munsiff, cum Judicial***



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Magistrate Court Madukkari on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties 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 are directed to deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only) totally** to the credit of **Crime No.42 of 2023** before the concerned Magistrate within a period of two weeks from the date of receipt of a copy of this order. On such deposit being made, the victim is permitted to withdraw the said deposit amount of **Rs.10,000/- (Rupees Ten Thousand only)** by filing the necessary application before the trial Court.

(b) the petitioners shall report before the respondent police every Sunday at 10.30 a.m., for a period of four weeks and thereafter, as and when required for interrogation.

(c) 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;



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(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 action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on anticipatory 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;

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

28.02.2023

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To
The District Munsiff, cum Judicial Magistrate Court
Madukkari.

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