



CrI.O.P.No.4196 of 2023

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T.V.THAMILSELVI, J.

The petitioners, who apprehend arrest for the alleged offence under Sections 294(b), 323 and 506(ii) of IPC in Cr.No.82 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to dispute with regard to usage of pathway, there arose a wordy quarrel in between the 1st & 2nd petitioners and the de-facto complainant, in which, the 1st and 2nd petitioners abused the de-facto complainant and his brother by using filthy language and attacked them by using iron rod, due to which, the de-facto complainant and his brother sustained injuries. Hence, this complaint.

3. Learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and have not committed any offence as alleged by the prosecution. He would further submit that there is a case in counter registered against the de-facto complainant and three others. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.



4. Learned Government Advocate (Crl.side) submits that the 1st and 2nd petitioners attacked the de-facto complainant and his brother by using deadly weapons, due to which, the de-facto complainant sustained injuries. He further submitted that, with regard to the 3rd & 4th petitioners, enquiry has been conducted and found that no case is pending against the 3rd & 4th petitioners as on date and their names were also not found in the F.I.R. However, he vehemently objected for grant of anticipatory bail to the 1st and 2nd petitioners.

5. Considering the facts and circumstances of the case and also the fact it is a case and a case in counter, this Court is inclined to grant anticipatory bail to the 1st and 2nd petitioners. However, insofar as the 3rd & 4th petitioners are concerned, since no case is pending against the 3rd & 4th petitioners and their names were also not found in the F.I.R., nothing survives for further adjudication in this petition and accordingly, this petition stands closed in respect of the 3rd and 4th petitioners.

6. Accordingly, the 1st and 2nd 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



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learned **Judicial Magistrate Court, Thiruvottriyur**, on condition that the

1st and 2nd petitioners shall execute a bond for a sum of **Rs.10,000/-**

(Rupees Ten Thousand Only) each, 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 1st and 2nd 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 1st and 2nd petitioners shall report before the respondent police on every Wednesday at 10.30 a.m. for a period of four weeks;

(c) the 1st and 2nd petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the 1st and 2nd 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 1st and 2nd petitioners in accordance with law as if the conditions have been



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imposed and the 1st and 2nd

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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]***; and;

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

27.02.2023

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