



Crl.O.P.No.4456 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 alleged offences punishable under Sections 294(b), 324 and 506(ii) of IPC, in Crime No.67 of 2023, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Sarathi is that on 05.02.2023, the first accused Pandian and other two accused assaulted the defacto complainant's brother in front of Samy electrical shop and they also damaged the shop and thereafter abused the defacto complainant in filthy language, beaten him and also quarreled with defacto complainant's parents and intimidated them and also threatened them with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the are innocent and when the defacto complainant and his friends eve-



CrI.O.P.No.4456 of 2023

WEB COPY

teased the daughter of the first accused and her friends, for which, there was wordy quarrel arose between the complainant and the petitioners. He would further submit that it is a case and case in counter and on the complaint given by the petitioner, a counter complaint has been registered against the opposite party. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Criminal Side) would submit that this is the case and case in counter. During the wordy quarrel, the petitioner along with other accused assaulted the de facto complainant and his friends and also abused in filthy language and threatened the defacto complainant's parents with dire consequences. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent and also perused the materials available on record.



Crl.O.P.No.4456 of 2023

WEB COPY

6. Taking into consideration of the facts and submission that it is a case and case in counter, 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 District Munsif cum Judicial Magistrate, Veppanthattai** on condition that the petitioners shall execute a 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:

[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.



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CrI.O.P.No.4456 of 2023

[b] the petitioners shall report before the respondent police everyday at 10.30 a.m., until further orders.

[c] 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 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.

10.03.2023

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Crl.O.P.No.4456 of 2023

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Crl.O.P.No.4456 of 2023

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