

CrI.O.P.No.4629 of 2023

T.V.THAMILSELVI, J.

The petitioners, who apprehend arrest for the alleged offence under Section 294(b), 324, 506(2) of IPC in Cr.No.13 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that there was a wordy quarrel between the petitioners and the defacto complainant. Further, it is alleged that the petitioners attacked the defacto complainant with a steel rod on his head and threatened them into dire consequences. Hence, the present complaint.

3.The learned counsel appearing for the petitioners submits that the petitioners have not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned counsel appearing for the intervenor submitted that the petitioners are often creating trouble to the defacto complainant. Since the



defacto complainant sustained grievous injuries in his head, learned counsel for the intervenor opposed to grant anticipatory bail to the petitioners.

5.The learned Government Advocate (Crl. side) appearing for the respondent submits that the injured person has been discharged from the hospital.

6. Considering the fact that the injured person has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners.

7.Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned *Judicial Magistrate Kangayam*, on condition that the 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 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 Court concerned 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 every Tuesday at 10.30 a.m. for a period of eight weeks;

(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 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.

02.03.2023

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