



Crl.O.P.No.4854 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 offences punishable under Sections 294(b), 323, 324 and 506(ii) of IPC in Crime No.55 of 2023, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant E.Baskar is that on 09.02.2023 at about 4.15 p.m., due to previous enmity and election dispute, the petitioners have abused the defacto complainant and his brother with filthy languages, intimidated them and assaulted the de facto complainant's brother with key. When the de facto complainant prevent them, both the petitioners attacked the defacto complainant, resulting him in sustaining grievous injuries. Hence, the complaint.

3. The learned Counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that, in fact, the defacto complainant has assaulted the petitioners in respect of which, the counter case has



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been registered in Crime No.56 of 2023 on the complaint given by the first petitioner and it is a case in counter and based on the election motive, a false complaint has been foisted against the petitioners. He would also submit that the petitioners are ready and willing to furnish solvent sureties and to abide by any stringent condition imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that due to previous enmity and election dispute, the petitioners have abused the de facto complainant and his brother with filthy languages, intimidated them and also assaulted them and caused severe injuries. He would further submit that there is a case in counter in Crime No.56 of 2023 and no previous case as against the petitioners. He would also submit that the injured has been discharged from the hospital. However, he opposed for grant of anticipatory bail to the petitioners.

5. Heard both sides and perused the materials available on record including the First Information Report.



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6. Considering the above facts and circumstances of the case and the submissions made on either sides, 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 Judicial Magistrate, Sholinghur** on condition that each of the petitioner shall execute a separate 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



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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 every day at 10.30 a.m., for a period of four weeks and thereafter, every Saturday at 10.30 a.m., until further orders.

[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 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]**.

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

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