

Crl.O.P.No.4855 of 2023

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 and 506(i) of IPC in Crime No.85 of 2023, seek anticipatory bail.

2. The case of the prosecution is that there was some wordy quarrel between the petitioners and the de-facto complainant and the petitioners had used filthy language and threatened the de-facto complainant with dire consequences. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the de-facto complainant used to throw garbage in front of the petitioners house and when the same was questioned by the first petitioner, the de-facto complainant had beaten the first petitioner with deadly weapons and the first petitioner has caused simple injury and a false case has been registered against the petitioners and it is a counter blast of the first petitioner's complaint, which was registered in Crime No. 86 of 2023, the present complaint has been preferred. Therefore, he prays for grant of anticipatory bail to the petitioners.



4. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that there was some wordy quarrel between the petitioners and the de-facto complainant and the 1st petitioner has caused simple injury. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Taking into consideration the facts and circumstances of the case and also the submission of both sides, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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 Judicial Magistrate, Arakonam**, on condition that each of the petitioner 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.

[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.

[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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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.

06.03.2023

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