



Crl.O.P.No.5161 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), 324, 506(2) of I.P.C in Crime No.35 of 2023, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant, Jagan @ Jayaseelan is that he is a two wheeler mechanic and the accused have given a bike for repair and when he demanded money for the repair work, the accused brutally attacked him. Hence the case.

3.The learned counsel appearing for the petitioners would submit that these petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that the defacto complainant is a two wheeler mechanic and he was demanding exorbitant amount for his work.



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4.The learned Government Advocate (Crl. Side) appearing for the respondent Police would submit that the petitioner have abused and assaulted the defacto complainant and refused to pay the amount charged for repair work. He would further submit that the first petitioner is a history sheeter and there are two previous cases pending against him. However, he vehemently opposed for the grant of anticipatory bail to the petitioners.

5. Taking note of the bad antecedents of the first petitioner, the petition filed seeking anticipatory bail to the first petitioner stands dismissed.

6.Considering the facts of the case and the submissions of the learned Counsel for the parties, this Court is inclined to grant anticipatory bail to the second petitioner alone with certain conditions.

7.Accordingly, the second petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of



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fifteen days from the date on which the order copy made ready, before the **Judicial Magistrate Court, Thiruvarur** on condition that the petitioners shall execute a 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the second petitioner 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 second petitioner shall report before the Respondent police everyday at 10:30 a.m for a period of three weeks and thereafter every Saturday until further orders.

[c] the second petitioner shall not tamper with evidence or witness either during investigation or trial;



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[d] the second petitioner 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 second petitioner in accordance with law as if the conditions have been imposed and the second 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;

09.03.2023

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