



Crl.O.P.No.5374 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, 323 and 506(ii) of IPC, in Crime No.64 of 2023, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Govindaraj is that on 22.02.2023, in the night, hours, he and his friend Senkottaiyan saved one Thulasiraj from the attack of the first petitioner herein. Thereafter on the same day, when both of them were watching “Therukoothu” at his village, the first petitioner along with his friends attacked the defacto complainant with hands and legs. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the first petitioner and the defacto complainant were relatives and due to political enmity, the petitioners have been falsely implicated in this case.



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He further submit that the first petitioner has given the complaint against the defacto complainant and it was not registered by the respondent police so far. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Criminal Side) would submit that due to political enmity, the petitioners along with other accused attacked the defacto complainant with hands, legs and also threatened him. He further submit that the first petitioners has eight previous cases and the second petitioner has four previous cases pending against them. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Heard both sides and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and the submissions made on both sides and also the fact that the first petitioner has eight previous cases and second petitioners has four previous cases pending against them, **this court is not inclined to grant**



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anticipatory bail to the first and second petitioners. With regard to 3rd and 4th petitioners, there are no previous cases pending against them and hence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the 3rd and 4th 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 Court No.II, Sangakiri**, 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 3rd and 4th 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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[b] the 3rd and 4th petitioners shall report before the respondent police twice everyday at 10.30 a.m., and 5.30 p.m, until further orders.

[c] the 3rd and 4th petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the 3rd and 4th 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 3rd and 4th petitioners in accordance with law as if the conditions have been imposed and the 3rd and 4th 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.

10.03.2023

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