



Crl.O.P.No.5430 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioners who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 324, 352 and 506(ii) of IPC in Crime No.127 of 2023, seek anticipatory bail.

2. The case of the prosecution is that due to civil dispute, there was a wordy quarrel between the petitioners and the defacto complainant as a result of which, the petitioners abused the defacto complainant with filthy language and assaulted him with iron rod and caused him 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 there is a case in counter on the complaint given by the petitioners in Crime No.124 of 2023. Hence, he prays to grant anticipatory bail to the petitioners.



CrI.O.P.No.5430 of 2023

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4.The learned Government Advocate(Crl.Side) appearing for the respondent Police would submit that due to civil dispute, the petitioners abused the defacto complainant with filthy language and also assaulted him with iron rod and caused him injuries. He would further submit that the injured has been discharged from the hospital and there is a case in counter. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5.Heard the learned counsel and perused the entire materials available on record including the First Information Report.

6.Taking into consideration the facts of the case and the submissions made by the learned counsel and also of the fact that the injured has been discharged from the hospital and there is a case in counter, this Court is inclined to grant bail to the petitioners with certain conditions.



Crl.O.P.No.5430 of 2023

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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, Thiruthuraipoondi**, on condition that the petitioners 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 and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the 1st petitioner shall report before the respondent Police daily at 10.30 a.m., for a period of four weeks and thereafter every Saturday at 10.30 a.m., until further orders.



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CrI.O.P.No.5430 of 2023

[c] the 2nd petitioner shall report before the respondent police daily at 10.30 a.m, for a period of one week and thereafter as and when required for interrogation.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioners shall not abscond either during investigation or trial;

[f] 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]**;

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

10.03.2023

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Crl.O.P.No.5430 of 2023

Crl.O.P.No.5430 of 2023

10.03.2023