



Crl.O.P.No.5510 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 147, 148, 341, 353, 307 and 506(2) of IPC, in Crime No.84 of 2023, seek anticipatory bail.

2. The case of the prosecution is that on 29.01.2023, when the respondent police attempted to arrest the accused persons in Crime No.83 of 2023, at that time, the petitioners along with other accused with an intention to cause death, unlawfully assembled with deadly weapon, abused him in filthy language, wrongfully restrained him and also assaulted him to deter him from discharging his official duty, thereby, damaged a wall and threatened him with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioners would submit that due to previous enmity between the petitioners and the Arani Town Police,



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the petitioners name were wantonly included in the FIR. He would further submit that the co-accused in this case have been granted bail by this Court in Crl.OP.No.4326 of 2023 dated 28.02.2023. Hence, he prays for grant of bail to the petitioners.

4.The learned Government Advocate (Crl. Side) appearing for the respondent Police would submit that on the date of occurrence, due to previous enmity, the petitioners along with other accused persons with an intention to cause death, unlawfully assembled with deadly weapons and wrongfully restrained him and also threatened them. He would further submit that the investigation is almost completed. However, he would vehemently opposed for grant of anticipatory bail to the petitioners.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the respondent and also perused the materials available on record.

6. Taking into consideration of the facts and submissions made



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by the learned counsel, 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, Arani, 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 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



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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 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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