



Crl.O.P.No.5521 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, 294(b), 342, 323, 324 and 506(ii) of IPC, in Crime No.63 of 2023, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Thulasiraj is that on 22.02.2023 around 6.00 p.m, when he and his friend Prabu went to Temple Festival at RasiGoundanoor in a motorbike and from the opposite direction a car driven by one Ruban along with his friends dashed against the motorbike and when the same was questioned by him, the petitioner along with other accused abused him in filthy language and also attacked him by hands and stones and thereby sustain injuries to him. Hence, the complaint.

3.The learned counsel for the petitioners would submit that during the temple festival, there was a wordy quarrel between the



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petitioners and the defacto complainant, on account of which, the de-facto complainant has given an exaggerated complaint against the petitioners.

He would also submit that the petitioners are innocent persons and they have been falsely implicated in this case. He further submits that the first accused has eight previous cases and for the second accused four previous cases are pending against them. Thereby, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Criminal Side) would submit that during the temple festival, there was a quarrel between the petitioners and the defacto complainant and due to previous enmity, the petitioners along with other accused abused and attacked the defacto complainant with hands and stones. He further submits that the first accused (A1) has eight previous cases and the second accused (A2) has four previous cases are pending against them. He further submits that the other accused A3 to A5, has no previous cases pending against them. However, he vehemently opposed to grant anticipatory bail to the petitioners.



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record.

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 anticipatory bail to the first and second petitioners.** With regard to 3rd, 4th and 5th 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, 4th and 5th 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



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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, 4th and 5th 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 3rd, 4th and 5th 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, 4th and 5th petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the 3rd, 4th and 5th 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, 4th and 5th petitioners in accordance with law as if the conditions have been imposed and the 3rd, 4th and 5th petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in



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5560].**

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

8. With the above directions, this Criminal Original Petition in respect of the first and second petitioners stands dismissed and in respect of 3rd, 4th and 5th petitioners stands ordered.

10.03.2023

drl

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