



Crl.O.P.No.5854 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 147, 148, 341, 294(b), 323, 324, 506(ii) and 379 of IPC in Crime No.49 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to previous enmity, the petitioners have assaulted the defacto complainant's brother with hands and wooden log and abused him and also threatened him with dire consequences. Hence the complaint.

3. The learned counsel for the petitioners submits that the petitioners are an innocent persons and they have been falsely implicated in this case. He would further submit that it is a case and case in counter and on the complaint given by the petitioners, a counter case in Crime No.50 of 2023 has been registered against the opposite party. Hence, he prays to grant anticipatory bail to the petitioners.



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4. The learned Government Advocate(Crl.Side) for the respondent would submit that this is the case and case in counter. Due to previous enmity, the petitioners have assaulted the defacto complainant's brother with hands and wooden log and abused him and also threatened him with dire consequences. He would submit that the injured has been discharged from the hospital. However, he opposed to grant 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 submission that it is a case and case in counter and also of the fact that the injured has been discharged from the hospital, this Court is inclined to grant Anticipatory Bail to the petitioners with certain conditions.



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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, Gingee**, on condition that each of 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 petitioners shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter every Saturday at 10.30 a.m., until further orders.**



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[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 abscond, a fresh FIR can be registered under Section 229A IPC.

15.03.2023

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