



Crl.O.P.No.5957 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 294(b), 323, 324 and 506(ii) of IPC, in Crime No.47 of 2023, seek anticipatory bail.

2. The case of the prosecution as per the de facto complainant K.Manikandan, is that on 29.01.2023 at about 12.00 p.m., the petitioners trespassed into the land of the de facto complainant's father and on account of civil dispute, the petitioners had abused the de facto complainant's father with filthy language and also attacked him with Iron Rod, due to which, he sustained grievous injuries. Hence the case.

3. The learned Counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. She would further submit that the petitioners are ready and willing to furnish solvent sureties and to abide



Crl.O.P.No.5957 of 2023

by any stringent condition that may be imposed on them. Hence, she prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal side) for the respondent would submit that due to previous enmity with regard to civil dispute between the de facto complainant's father and the petitioners, the petitioners had abused the de facto complainant's father with filthy language and also also attacked him with Iron Rod, resulting him in sustaining grievous injuries. He would further submit that the injured has been discharged from the hospital. However, he vehemently opposed to grant anticipatory bail to the petitioners.

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

6. Taking into consideration the facts and circumstances of the case and also the submissions of either side, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



CrI.O.P.No.5957 of 2023

WEB COPY

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 No.II, Tindivanam**, on condition that **each of the petitioner 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 first and third petitioners shall report before the respondent police every day 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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Crl.O.P.No.5957 of 2023

[c] the second petitioner shall report before the respondent police every day at 10.30 a.m., for a period of two weeks 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 abscond, a fresh FIR can be registered under Section 229A IPC.

17.03.2023

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CrI.O.P.No.5957 of 2023

A.D.JAGADISH CHANDIRA, J.

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CrI.O.P.No.5957 of 2023

17.03.2023