



Crl.O.P.No.5965 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, 294(b), 323, 324, 395, 397, 506(ii) of IPC and Section 3(1) of Prevention of Damage to Public Property Act, 1984, in Crime No.79 of 2023, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that, he is a lease holder of the guest house at Thiruvudanthai Village, one Yuvaraj booked a house in the name of Dheena (A1). It is further alleged that in night hours at about 12.00 p.m, the said Dheena and his friends caused nuisance to others by celebrating birthday party and when the same was questioned by the defacto complainant, the petitioners along with other accused threatened the defacto complainant and also snatched Rs.650/- from the knife point. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons. He further submit that they have not committed any offence as alleged by the prosecution and hence



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they have been falsely implicated in this case. He further submit that the main accused has been arrested and released on bail and some of the co-accused persons has been granted anticipatory bail by this Hon'ble Court and thereby, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) would submit that the petitioners along with other accused caused nuisance during night hours by celebrating birthday party and when the same was questioned by the defacto complainant, he was threatened by them. He submitted that each of the petitioner are having one previous case. He further submits that the main accused has been arrested and released on bail. However, he vehemently opposed to grant anticipatory bail to the petitioners.

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

6. Considering the facts and circumstances of the case and also the submissions made by the learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioners with certain



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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, before the learned District Munsif cum Judicial Magistrate Court, Thirukazhukundram, 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 petitioners are directed to appear before the respondent police everyday at 10.30 a.m, and 6.30 p.m, until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.



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[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.

16.03.2023

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