



Crl.O.P.No.6212 of 2023

A.D. JAGADISH CHANDIRA, J.,

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The petitioners, who apprehends arrest for the alleged offences under Sections 147, 148, 294(b), 452, 323, 324 and 307 of IPC in Crime No.53 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant and his brother wife and her children are residing in the same house as the brother of the defacto complainant is working far away, due to which the villagers are suspecting their relationship. That being so, on 17.01.2023, the defacto complainant and his sister in law are waiting for bus, the accused persons abused with filthy language and have spoken ill about their relationship. On 20.01.2023, the petitioners along with other accused trespassed into the house of the defacto complainant and abused him with filthy language and A1 assaulted him with machete on his head and A3 assaulted with bricks due to which the defacto complainant sustained grievous injuries and admitted in the hospital. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case based on the confession recorded from the other accused. He would submit that



it is a case and case in counter. No previous case is pending as against the petitioners. The arrested accused were released on bail by this court in Crl.OP.No.3770 of 2023 dated 20.02.2023. The injured has also been discharged from the hospital. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The Government Advocate (Crl.side) would submit that A2 abused the sister in law of the defacto complainant with filthy language in a bus stop and a wordy quarrel arose between the parties and thereafter the accused persons entered into the house of the defacto complainant and attacked with deadly weapons, due to which the defacto complainant sustained grievous injuries and he was admitted in the hospital. The arrested accused were released on bail by this court in Crl.OP.No.3770 of 2023 dated 20.02.2023. The injured was also discharged from the hospital. The investigation is also completed and the oppose for grant of bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case and the submissions made by the learned Government Advocate (Crl.side), this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions :



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6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready, before the Judicial Magistrate No.I, Villupuram, on condition that the petitioners shall execute a separate bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) each 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 daily at 10.30am 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***



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

With the above directions, this Criminal Original Petition is ordered.

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