



Crl.O.P.No.6321 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.84 of 2023, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant/Kandeeban is that, while he was sleeping, the petitioners/accused had created a noise scene and when it was questioned by the brother of the defacto complainant, the first accused/A1 had assaulted his brother and also bitten his lip, due to which, he had sustained grievous injury and thereafter he was taken to the hospital. At that time, the other accused had also abused the sister of the defacto complainant with filthy language and criminally intimidated her on knife point. Hence, the complaint.



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3. The learned counsel for the petitioner would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that the main allegations are attributed only in respect of A1 and A2 and as far as the petitioners are concerned, they are stated to have intimidated the sister of the defacto complainant. He would further submit that the petitioners have no previous case against them and the victim has also been discharged from the hospital. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) would submit that the petitioners have joined together and created ruckus, when it was questioned by the defacto complainant, the A1 and A2 had bitten the defacto complainant's brother's lips and caused grievous injury and the other accused had also abused the sister of the defacto complainant with filthy language and criminally intimidated her with knife point. He would further submit that the injured has been discharged from the hospital. However, he vehemently opposed to grant anticipatory bail to the petitioner.



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

6. Considering the above facts and circumstances of the case and the submissions made on both sides, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 II, Villupuram**, on condition that 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:



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[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 his 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., 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 5560]**.



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

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