



Crl.O.P.No.6504 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.106 of 2023, seek anticipatory bail.

2. The case of the prosecution is that there was a quarrel between the petitioners and the defacto complainant. During the quarrel, the petitioners have assaulted the defacto complainant with beer bottle, resulting him in sustaining injuries. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are senior citizens and they have been falsely implicated in this case.



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4. The learned Government Advocate(Crl.Side) appearing for the respondent would submit that the petitioners along with A1 have assaulted the defacto complainant with beer bottle, resulting him in sustaining injuries. He would further submit that though the victim has been discharged from the hospital. As far as the first petitioner/A2 is concerned, he is having eight previous cases and as far as second petitioner/A3 is concerned, he has no previous case against him. Hence, he opposed to grant anticipatory bail to the petitioners.

5. In reply, Mr.Sasikumar, learned counsel for the petitioners would submit that as far as the first petitioner/A2, he is having 8 previous cases, which are registered in the year 2010 and the main offences are under section 388 and 457. He would further submit that after 2019, the petitioner does not have any previous case. Hence, he prays to grant anticipatory bail to the petitioners.



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6. Heard the learned counsel for the petitioners as well as the learned Government Advocate(Crl.Side) for the respondent and perused the entire materials available on record.

7. 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 petitioners with certain conditions.

8. 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, Arakkonam**, on condition that the petitioners shall execute a 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 their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall stay at Tanjavur and report before the Inspector of Police, Tanjavur Town Police Station, daily at 10.30 a.m. and 05.30 p.m., for a period of three weeks and thereafter report before the respondent police daily 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]**.

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

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