



Crl.O.P.No.6511 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 147, 148 341, 294(b) and 307 of IPC in Crime No.92 of 2023, seek anticipatory bail.

2. The case of the prosecution is that due to previous enmity, the petitioners waylaid the defacto complainant, abused him with filthy language and attacked him with knife and beer bottle. 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. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate(Crl.Side) appearing for the respondent would submit that due to previous enmity, the petitioners



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have abused the defacto complainant with filthy language and assaulted him with knife and beer bottle and also threatened him with dire consequences. He would submit that the victim has been discharged from the hospital. He would further submit that the first petitioner is a history sheeted rowdy in H.S.No.417 of 2020, as far as the second petitioner is concerned, he has one previous case pending against him and as far as third petitioner is concerned, he has been arrested by the respondent police on 20.03.2023. Hence, he opposed to grant anticipatory bail to the petitioners.

5.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.

6. Taking into consideration the allegations and that the first petitioner is a history sheeted rowdy in H.S.No.417 of 2020 and third petitioner arrested by the respondent police on 20.03.2023, this Court is not inclined to grant anticipatory bail to the 1st and 3rd petitioners.



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Hence, as far as 1st and 3rd petitioners are concerned, this Criminal

Original Petition is dismissed.

7. Taking into consideration the facts and circumstances of the case and that the injured has been discharged from the hospital, as far as second petitioner is concerned, he has one previous case registered in the year 2016, this Court is inclined to grant anticipatory bail to the second petitioner with certain conditions.

8. Accordingly, the second petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate, Sendamangalam, Namakkal District**, on condition that the petitioner 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



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shall stand dismissed and on further condition that:

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[a] the petitioner 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 second petitioner shall stay at Chennai and report before the Periyamedu Police Station, every day at 10.30 a.m., until further orders.

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

[d] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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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31.03.2023

A.D.JAGADISH CHANDIRA, J.



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31.03.2023