



Crl.O.P.No.7217 of 2023

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S.SOUNTHAR, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 342 and 324 I.P.C. altered to Sections 342, 326 I.P.C. and Section 7 (1)(a) of Criminal Law Amendment Act, in Crime No.1187 of 2020, seek anticipatory bail.

2.The case of the prosecution is that, due to previous enmity, the petitioners abused and attacked the defacto complainant with iron rod, due to which, the defacto complainant sustained injuries. Hence the complaint.

3.It is submitted by the learned counsel for the petitioners that the petitioners were granted anticipatory bail by this Court as early as on 22.07.2023 in Crl.O.P.No.10851 of 2020, but due to CORONA Pandemic situation and continuous lock down and also the petitioners were suffering with severe post CORONA symptoms, they were unable to surrender before the Court to execute bond. Accordingly, prays for



CrI.O.P.No.7217 of 2023

grant of anticipatory bail to the petitioners.

4. Learned Government Advocate (Criminal Side) for the respondent would submit that the petitioners due to previous enmity, abused and attacked the defacto complainant with iron rod, due to which he sustained injuries. He would further submit that these petitioners were granted anticipatory bail by this Court as early as on 22.07.2020 in CrI.O.P.No.10851 of 2020. This is the second anticipatory bail petition.

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

6. Having regard to the allegations made against the petitioners in the F.I.R and also considering the fact that these petitioners were granted anticipatory bail earlier by this Court in Cr.O.P.No.10851 of 2020 dated 22.07.2020, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

7. Accordingly, the petitioners are ordered to be released on bail in



Crl.O.P.No.7217 of 2023

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, Cheyyar**, on condition that the petitioners shall execute a separate bond for a sum of **Rs.25,000/- (Rupees Twenty Five 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 petitioner 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 every day at 10.30 a.m., for a period of two weeks and thereafter on every Monday at 10.30 a.m. until further orders.**

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



Crl.O.P.No.7217 of 2023

S.SOUNTHAR, J.

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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 absconds, a fresh FIR can be registered under Section 229A IPC.

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

04.05.2023

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Crl.O.P.No.7271 of 2023