



Crl.O.P.No.6849 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, 294(b), 336, 506(i) and 307 of IPC, in Crime No.115 of 2017 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that on 19.04.2017 at about 10.00 p.m, the petitioners along with other accused blocked the road at Pannakudi Village for Mariyamman Chariot festival, at that time, due to community issue between them, there was a wordy quarrel between them, thereby they attacked the defacto complainant and nobody was injured. 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. He further submit that the co-accused in this case have been granted anticipatory bail by this Court in Crl.OP.No.11523 of 2017 dated 22.06.2017. He further submit that it is a case and case in counter and hence, he prays for



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grant of anticipatory bail to the petitioners.

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4. The learned Government Advocate (Crl. Side) appearing for the respondent Police would submit that this is the case and case in counter. Due to community issue, there was a wordy quarrel between the petitioners and the defacto complainant, thereby nobody has sustained injury. However, he would vehemently opposed for grant of anticipatory bail to the petitioners.

5. Heard the learned counsel on either sides and perused the entire materials available on record.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel on either side and also the fact that the co-accused have been granted anticipatory bail, this Court is inclined to grant anticipatory bail to the petitioners 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 District Munsif cum Judicial Magistrate, Tharangambadi, on condition that the petitioners shall execute a separate bond for a sum of Rs.25,000/- (Rupees



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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:

[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 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



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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;

30.03.2023

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