



Crl.O.P.No.6853 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest for the alleged offences under sections 147, 148, 294(b), 352 & 506(ii) of IPC and Section 7(1)(a) of Criminal Law Amendment Act, 2005 r/w Section 25(1-A) of Arms Act, in Crime No.35 of 2023, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the *de-facto* complainant, Akash, is that on 17.01.2023, at about 04.00 p.m., the accused, who were in an inebriated condition, have shouted at the de-facto complainant in a filthy language and when it was questioned by the de-facto complainant, the accused have attempted to attack him with deadly weapons. Hence the case.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the petitioners are no



Crl.O.P.No.6853 of 2023

way connected with the alleged offence and also submitted that they are ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of anticipatory bail to the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that it is the case, where, the petitioners along with other accused, in an inebriated condition, had abused the de-facto complainant in a filthy language and attempted to assaulted him with deadly weapons. He also submitted that major part of the investigation is over, however, he opposed for granting anticipatory bail to the petitioners.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

6. Considering the above facts and circumstances of the case, the submissions made by the learned counsel on either side and also



Crl.O.P.No.6853 of 2023

considering the fact that the major part of the investigation is over, 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 Judicial Magistrate, Tharangambadi**, on condition that the petitioners shall execute a separate bond for a sum of **Rs.15,000/- (Rupees Fifteen 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 his Aadhar card or Bank pass Book to ensure their identity;



Crl.O.P.No.6853 of 2023

[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]**;

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

30.03.2023

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Crl.O.P.No.6853 of 2023

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Crl.O.P.No.6853 of 2023

30.03.2023