



Crl.O.P.No.7107 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), 341, 324, 427 & 506(ii) of IPC, in Crime No.89 of 2023 on the file of the respondent police, seek anticipatory bail.

2. There are totally three accused involved in this case and the petitioners are arrayed as A1 to A3. The case of the prosecution as per the defacto complainant is that, due to previous enmity, the petitioners have abused him in filthy language and also attacked him with iron rod, thereby causing injuries to him. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and due to previous enmity, they have been falsely implicated in this case. He would further submit that the injury sustained by the defacto complainant is simple in nature. Hence, he prays for



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grant of anticipatory bail to the petitioners.

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4. The learned Government Advocate (Criminal Side) would submit that due to previous enmity, the petitioners have abused the defacto complainant in filthy language and also attacked him with iron rod. He would further submit that the injured has been discharged from the hospital. Hence, he vehemently opposed to grant 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 of the case and the submissions made by the learned counsel and also of the fact that the injured has been discharged from the hospital, 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



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Magistrate, Mannargudi, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten 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



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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;

11.04.2023

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