



Crl.O.P.No.7708 of 2023

Crl.O.P.No.7708 of 2023

WEB CO **A.D.JAGADISH CHANDIRA, J.**

The petitioners, who apprehend arrest for the alleged offences under Sections 147, 148, 341, 294(b) and 506(ii) of IPC in Crime No.23 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners have abused and assaulted the defacto complainant by suspecting that he is the accused and also responsible for the rape and murder of their relative. Hence the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent person and a false complaint has been given against them. He would further submit that A1 to A5 in this case have been arrested and enlarged on bail and based on their confession, the petitioners have been implicated in this case. He would also submit that there is no previous case pending against the petitioners. Hence, he prayed for grant of anticipatory bail to the petitioners.



4. The learned Government Advocate (crl.side) appearing for the respondent Police would submit that the petitioners have abused and assaulted the defacto complainant by suspecting that he is the accused and also responsible for the rape and murder of their relative. He would further submit that there is no previous case pending against the petitioners. Hence, he opposed for grant of anticipatory bail to the petitioners.

5. Heard the learned counsel for the petitioners as well as the learned Government Advocate (crl.side) and perused the entire materials available on record.

6. Considering the above facts and circumstances of the case and the submissions made by the learned counsel on either side and also of the fact that there is no previous case pending against the petitioners, 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, Paramathi 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 daily at 10.30 a.m., for a period of four weeks and thereafter, on every Saturday 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



CrI.O.P.No.7708 of 2023

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;

12.04.2023

vkx



WEB COPY



Crl.O.P.No.7708 of 2023

A.D.JAGADISH CHANDIRA, J.

vkrr

Crl.O.P.No.7708 of 2023

12.04.2023