



Crl.O.P.No.7596 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), 323, 324, 448 and 506(ii) of IPC in Crime No.35 of 2023, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant R.Prathap is that due to civil dispute, on 09.02.2023 at about 11.00 p.m., the petitioners picked up a wordy quarrel with the de-facto complainant, abused him with filthy language, attacked him with wooden log and iron rod and also criminally intimidated him. Hence the complaint.

3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and a false complaint has been given on account of family dispute. He further submitted that the main accused in this case has been arrested and enlarged on bail and the injured have been



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discharged from the hospital. He further submitted that the petitioners are ready and willing to furnish solvent sureties and abide by any stringent condition that may be imposed on them. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that due to family dispute, the accused persons abused the de-facto complainant with filthy language, attacked him and his father with wooden log and iron rod, resulting in them sustaining grievous injuries. He further submitted that the injured persons have been discharged from the hospital. However, he vehemently opposed to grant anticipatory bail to the petitioners.

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

6. Considering the above facts and circumstances of the case and the submissions made by the counsel on either sides, this Court is



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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, Sankarapuram**, on condition that **each of the petitioner shall execute a separate bond for a sum of Rs.25,000/- (Rupees 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 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



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two weeks and thereafter 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 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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