



Crl.O.P.No.7822 of 2023

Crl.O.P.No.7822 of 2023

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, 506(i) IPC, in Crime No.30 of 2023, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Pandian is that 20.03.2023, the 2nd petitioner herein abused the father of the defacto complainant in filthy language and when the same was questioned, the petitioners herein abused and attacked the defacto complainant and his father and brother with hands and also threatened them with dire consequences. Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submitted that there is a case in counter against the defacto complainant. Hence, he prays to grant anticipatory bail to the petitioners.



Crl.O.P.No.7822 of 2023

WEB COPY

4. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the injured has been discharged from the hospital. However, he opposed to grant anticipatory bail to the petitioners.

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

6. Taking into consideration the facts and circumstances of the case and the fact that there is a case in counter and 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 Magistrate, Katpadi**, on condition that the petitioners shall execute separate bonds for a sum of Rs.10,000/- (Rupees



Crl.O.P.No.7822 of 2023

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 two 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.



Crl.O.P.No.7822 of 2023

WEB COPY

[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.

13.04.2023

ksa-2



WEB COPY



Crl.O.P.No.7822 of 2023

A.D.JAGADISH CHANDIRA, J.,

ksa-2

Crl.O.P.No.7822 of 2023

13.04.2023