



Crl.O.P.No.8218 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 147, 148, 341, 294(b), 323, 324, 506(ii) and 307 of IPC in Crime No.313 of 2022, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant, Albert Edison, is that due to the previous enmity, with regard to the money transaction, the accused waylaid the *de-facto* complainant and his relative, abused the de-facto complainant in a filthy language and assaulted him with stones, wooden logs and hands, due to which, he sustained grievous injuries in his head. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that co-accused has been granted bail by this Court in Crl.O.P.No.7473 of 2023, dated 06.04.2023. Hence, he prays to grant anticipatory bail to the petitioners.



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4. The learned Government Advocate(Crl.Side) appearing for the respondent would submit that due to the previous enmity, with regard to the money transaction, the accused waylaid the *de-facto* complainant and his relative, abused the de-facto complainant in a filthy language and assaulted him with stones, wooden logs and hands, due to which, he sustained grievous injuries in his head and he has been given seven stitches and subsequently, discharged from the hospital. However, he opposed to grant anticipatory bail to the petitioners.

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

6.Taking into consideration the facts and circumstances of the case and that 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.



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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-I, Ulundhurpet**, on condition that each of the petitioners 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 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.



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[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.

27.04.2023

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