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CrI.O.P.No.8190 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 and 506(ii) of IPC in Crime No.80 of 2023, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Dheenadhayalan is that he is an Auto Driver in Chennai. On 26.03.2023, he went to attend his Cousin brother's funeral at Periyathachur by auto and during the funeral procession, his auto got damaged and hence, he gave his auto to one Praveen/1st petitioner for repairing. Thereafter, on 29.03.2023 at about 12.00 a.m., in order to get his auto key to return to Chennai, the defacto complainant enquired about the said Praveen/1st petitioner and he was informed that the said Praveen/1st petitioner is near the Cemetery. Hence, the defacto complainant went near the Cemetery. On seeing the defacto complainant, the said Praveen/1st petitioner and his friends Prasanth and Kutty/2nd and 3rd petitioners, abused him with filthy



Crl.O.P.No.8190 of 2023

language and also attacked him hands with stick. Further, they threatened to do him away if he comes again to their town. Hence, the case.

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 would further submit that the injured has been discharged from the hospital. Hence, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) for the respondent Police opposed for grant of anticipatory bail to the petitioners stating that the 3rd petitioner/A3 has got one previous case against him.

5. Heard the learned counsel on either side and perused the entire materials available on record.

6.Taking note of the facts and circumstances of the case and the submissions made by the learned counsel on either side and also of



CrI.O.P.No.8190 of 2023

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 Magistrate No.II, Tindivanam**, on condition that the petitioners shall execute separate bonds 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.



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Crl.O.P.No.8190 of 2023

[b] the petitioners shall report before the respondent police every day 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.

19.04.2023

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Crl.O.P.No.8190 of 2023

A.D.JAGADISH CHANDIRA, J.,

ksa-2

Crl.O.P.No.8190 of 2023

19.04.2023