



Crl.O.P.No.8128 of 2023

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S.SOUNTHAR, J.,

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b) 323 and 506(1) of IPC in Crime No.118 of 2023, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant namely Mahendran is that on 02.04.2023 at about 01.00 p.m., the petitioners along with two others were digging a pit by using a JCB vehicle on the common pathway which is leading to the defacto complainant's company and when the same was questioned by the defacto complainant, the accused abused the defacto complainant in filthy language and also assaulted him with hands. Further, the accused criminally intimidated the defacto complainant and instigated the village people against the defacto complainant. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioners are innocent person and a false case has been foisted against



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them due to previous enmity. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent opposed for grant of anticipatory bail to the petitioners stating that the petitioners are arrayed as A1 and A2 and they along with two other accused attacked the defacto complainant with hands due to which, the defacto complainant sustained injuries and he was treated as outpatient.

5. Heard the learned Counsel for the petitioners and the learned Government Advocate (Crl. Side) for the respondent and also perused the materials available on record including FIR.

6. Having regard to the nature of allegations made against the petitioners in the FIR and also of the fact that the injured was treated as outpatient, 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, Mettupalayam**, 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.

[b] the petitioners shall report before the respondent police everyday at 10.30 a.m. for a period of two weeks and thereafter, as and when required for interrogation.



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[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.

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