



Crl.O.P.No.8527 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.84 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant/Kandeeban is that, while he was sleeping, the petitioners/accused had created a noisy scene and when it was questioned by the brother of the defacto complainant, the petitioners assaulted his brother and also bitten his lip, due to which, he had sustained grievous injury and thereafter he was taken to the hospital. At that time, the other accused had also abused the sister of the defacto complainant with filthy language and criminally intimidated her on knife point. 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



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case. He would further submit that the co-accused have been granted anticipatory bail by this Court in Crl.O.P.No.6321 of 2023 dated 28.03.2023 and that the petitioners are ready to abide by any stringent condition that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioners have joined together and created ruckus, when it was questioned by the defacto complainant, the petitioners have bitten the defacto complainant's brothers lips and caused grievous injury and the other accused had also abused the sister of the defacto complainant with filthy language and criminally intimidated her with knife point. He would further submit that co-accused have been granted anticipatory bail by this Court on 28.03.2023 in Crl.O.P.No.6321 of 2023. Hence, he opposed for grant of anticipatory bail to the petitioners.

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



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6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel for the petitioners and also of the fact that the co-accused in this case have been granted anticipatory bail by this Court, 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, Villupuram, on condition that the petitioners shall execute a separate bond for a sum of **Rs.10,000/- (Rupees Ten thousand only) with two sureties** 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:



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[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;

[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]*; and;

[f] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

24.04.2023

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