



Crl.O.P.No.8385 of 2023

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S.SOUNTHAR, J.,

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The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 355 and 506(i) of IPC in Crime No.104 of 2023, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant namely Mohamed Imthiyas is that on 01.03.2023 at about 12.00 noon, there was a wordy quarrel between him and the 1st petitioner who is none other than his father and during which, on the instigation of the 3rd petitioner, the petitioners 1 and 2, assaulted the defacto complainant with slipper and wooden log. Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and a false case has been foisted against them due to family dispute. Hence, he prayed for grant of anticipatory bail to the petitioners. He further submitted that the 3rd petitioner is a Government servant and working at Coimbatore and hence, the 3rd



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petitioner may be permitted to report before the Goundampalayam Police Station.

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

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.

6. Having regard to the nature of allegations made against the petitioners, 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**



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Principal District and Sessions Judge, Nagapattinam, on condition that

the petitioners shall execute separate bonds 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:

[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 his Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners 1 and 2 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.

[c]The 3rd petitioner shall report before the Inspector of Police, Goundampalayam Police Station, Coimbatore, everyday at 06.30 p.m. for a period of two weeks and thereafter, report before the respondent police as and when required for interrogation.



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[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

04.05.2023

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Copy to;

Inspector of Police,

Goundampalayam Police Station, Coimbatore.



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