



Crl.O.P.No.8811 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, 392 and 506(ii) of I.P.C in Crime No.127 of 2023, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant one Poongodi is that due to previous enmity and business rivalry, the petitioners have assaulted, abused and intimidated and also taken away two wheeler and a mobile phone from her husband. Hence, the complaint .

3.The learned counsel for the petitioners would submit that the petitioners and the defacto complainant are known to each other for long time and due to previous enmity, a false complaint has been given. He would also submit that there is no previous case against the petitioners. Hence he seeks for anticipatory bail to the petitioners.



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4. The learned Government Advocate (Crl. Side) appearing for the respondent Police would submit that due to previous enmity and business rivalry, the petitioners have assaulted, abused and intimidated and also taken away two wheeler and a mobile phone from the defacto complainant. He would also admit that there is no previous case against the petitioners. However, he opposed for grant of anticipatory bail to the petitioners.

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

6. Taking into consideration the facts of the case and the submissions of the learned Counsel for the parties, 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, Thirukkazhukundram** on condition that



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each of the petitioners shall execute separate bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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;

12.06.2023

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