



Crl.O.P.No.9216 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 offence punishable under Sections 147, 148, 294(b), 323, 324, 355 & 506 (ii) of IPC, in Crime No.45 of 2023 seek anticipatory bail.

2. There are totally five accused involved in this case and the petitioners are arrayed as A1 & A2. The case of the prosecution is that on 17.02.2023 at about 7.15 a.m., when the informant came out from his house, the 1st petitioner planted a tree and placed broom stick and chappel nearby the plant and abused in the defacto complainant's daughter that if anybody taken the plant he will assault them by using that broom stick and chappel. When it was questioned by the defacto complainant, the petitioners along with other accused used filthy language, the 1st petitioner called her husband over phone, he came to the place of occurrence and assaulted the defacto complainant. Hence, the



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case.

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3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and there was no intention to cause the injury to the defacto complainant. However, he would submit that the victim has also been discharged from the hospital and there is no previous case pending against the petitioners. Hence, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (CrI.side) would submit that on 17.02.2023 at about 7.15 a.m., when the informant came out from his house, the 1st petitioner planted a tree and placed broom stick and slippers nearby the plant and abused in the defacto complainant's daughter that if anybody removes the plant he will assault them by using that broom stick and slippers. When it was questioned by the defacto complainant, the petitioners along with other accused used filthy language, the 1st petitioner asked her husband over phone, he came to the place of occurrence and assaulted the defacto complainant. However, he



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vehemently opposed to grant anticipatory bail to the petitioners.

5. Heard the learned counsel for the petitioners as well as the learned Government Advocate (crl.side) for the respondent and perused the entire materials available on record.

6. Taking into consideration the facts of the case and the submissions made by the learned counsel, 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, Attur, Salem District**, on condition that each of the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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



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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 station daily at 10.30 a.m., for a period of two weeks and thereafter every Saturday 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



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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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