



Crl.OP.No.8939 of 2023

S.SOUNTHAR, J

WEB COPY

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 447, 294(b), 352 and 506(i) of IPC in Crime No.265 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is working in a coffee shop and it is alleged in the complaint that on 11.04.2023 at about 10.00 a.m., while the defacto complainant in his shop the 1st petitioner herein went to his shop and demanded for mamool of Rs.500/- from the defacto complainant and when the defacto complainant informed about the absence of his owner in the shop, the 1st petitioner herein abused the defacto complainant with filthy language and again demanded money and when it was refused by him, the 1st petitioner herein asked the petitioners 2, 3 and other accused in this case to bring aruval and knife to finish off the life of the defacto complainant and also also attacked the defacto complainant with hands. It is further alleged that the 2nd and 3rd petitioners herein along with others entered into the shop of the defacto complainant and abused him with filthy language and thereafter threatened him into dire consequences. Hence, the complaint.



WEB COPY

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have not committed any such offence as alleged by the prosecution. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (CrI. Side) would submit that the petitioners threatened the defacto complainant with regard to mamool of Rs.500/- and also abused and assaulted him with hands Hence, he would vehemently oppose to grant anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (CrI.Side) and perused the materials available on record.

6. Having regard to the allegations made against the petitioners in the FIR and also the submissions made by both counsel, this Court is inclined to grant anticipatory bail with certain conditions.



WEB COPY

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-I, Mannargudi, Thiruvarur District*** on condition that each of the petitioners shall execute separate bonds for a sum of **Rs.25,000/- (Rupees Twenty Five 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 stay at Madurai and report before the Thallakulam Police Station, Madurai every day at 10.30 a.m., for a period of three weeks ;

[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.

WEB COPY

[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 petitioner 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.

04.05.2023

Vv



WEB COPY



CrI.OP.No.8939 of 2---

S.SOUNTHAR, J

Vv

CrI.OP.No.8939 of 2023

04.05.2023