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Crl.O.P.No.9277 of 2023

A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 323, 324, 353 and 506(ii) of IPC in Crime No.77 of 2023, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant who is the president of No.10, Muthur Village is that based on a secret information from one Karthick, he went to the scene of occurrence, wherein, he found four lorries near Karthi Garden for taking sand illegally and when he questioned about the same to the accused, they abused the defacto complainant with filthy language and assaulted him and also threatened him with dire consequences. 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 case. Hence, he prays to grant anticipatory bail to the petitioners.

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4. The learned Government Advocate(Crl.Side) appearing for the respondent would submit that the defacto complainant is the president of No.10, Muthur Village, based on a secret information from one Karthick, he went to the scene of occurrence, wherein, he found four lorries near Karthi Garden for taking sand illegally and when he questioned about the same to the accused, they abused the defacto complainant with filthy language and assaulted him and also threatened him with dire consequences. He would submit that the victim has been discharged from the hospital. However, he 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 and circumstances of the case and that submissions made by the learned counsel and also of the fact that the injured has been discharged from the hospital, this Court is

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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-I, Pollachi,** on condition that each of the petitioners shall execute a separate bond 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.

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A.D.JAGADISH CHANDIRA, J.

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[b] the petitioners shall stay at Salem and report before the Inspector of Police, Ammapet Police Station, on every day 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].**

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

27.04.2023

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