



Crl.O.P.No.9771 of 2023

Crl.O.P.No.9771 of 2023

WEB COUNCIL **S.SOUNTHAR, J.**

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 324 & 506(ii) of IPC in Crime No.55 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners and the defacto complainant are relatives. Due to civil dispute, the petitioners attacked the defacto complainant with iron rod and threatened 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 for grant of anticipatory bail to the petitioners.



Crl.O.P.No.9771 of 2023

4. The learned Government Advocate (Criminal Side) would submit that the petitioners assaulted the defacto complainant and attacked him and sustained injuries. He would further submit that the injured has been discharged from the hospital and also submits that one previous case is pending against the petitioners. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Heard the learned counsel on either sides 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 and also of the fact that the injured has been discharged from the hospital, 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



Crl.O.P.No.9771 of 2023

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 separate bond for a sum of Rs.25,000/- each (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 report before the respondent police 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;



Crl.O.P.No.9771 of 2023

**S.SOUNTHAR, J.**

AT

[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;

**05.05.2023**

AT

Crl.O.P.No.9771 of 2023