



Crl.O.P.No.10227 of 2023

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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, 447 and 506(ii) IPC, in Crime No.55 of 2023, seek anticipatory bail.

2. The case of the prosecution is that there was some civil dispute between the petitioners and the defacto complainant. On 26.04.2023 at about 3.30 p.m while, the defacto complainant and his family were in his land, the petitioners were abused them with filthy language and assaulted the defacto complainant with iron rod. Hence, the case.

3. The learned counsel for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and a false case has been foisted against them for statistical purpose. Hence, he prayed for grant of anticipatory bail to the petitioners.



Crl.O.P.No.10227 of 2023

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4. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the injured has been discharged from the hospital. However, he opposed for grant of anticipatory bail to the petitioners.

5. Mr.E.Ashok Kumar, learned counsel appearing for the defacto complainant seriously opposed this anticipatory bail application.

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

7. Having regard to the facts of the case and the nature of the allegation made against the petitioners 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.

8. 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



Crl.O.P.No.10227 of 2023

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the learned Judicial Magistrate, Rasipuram, on condition that the petitioners shall execute separate bond for a sum of Rs.10,000/- (Rupees Ten 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 shall obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall stayed at Madurai and report before the Thirumangalam Police Station, Madurai, once in a week at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation.

[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



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Crl.O.P.No.10227 of 2023

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.

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05.05.2023



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Crl.O.P.No.10227 of 2023

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Crl.O.P.No.10227 of 2023

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