



Crl.O.P.No.10593 of 2023

Crl.O.P.No.10593 of 2023

WEB COPY

K.KUMARESH BABU, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b), 324, 506(2), 427 and 379 (NP) of IPC in Crime No.327 of 2023, seek anticipatory bail.

2. The case of the prosecution is that the petitioners and the defacto complainant are neighbours. Due to money dispute, the petitioners, along with other accused, entered into the house of the defacto complainant and abused him in filthy language and attacked him and also stolen 5 ½ sovereigns of gold chain. Hence, the complaint.

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



Crl.O.P.No.10593 of 2023

WEB COPY

4. The learned Government Advocate (Crl.side) would submit that it is a case in counter. He would further submit that the injured has been discharged from the hospital. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the above facts and circumstances and also taking note 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.

6. 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, Thiruthuraipoondi, on condition that each of the petitioners shall execute a 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



CrI.O.P.No.10593 of 2023

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 daily at 10.30 a.m, for a period of two 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 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]**.



WEB COPY



Crl.O.P.No.10593 of 2023

K.KUMARESH BABU, J.

mn

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

17.05.2023

mn/Lpp

Crl.O.P.No.10593 of 2023