



Crl.O.P.No.10589 of 2023

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K.KUMARESH BABU, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 341, 294(b), 323, 506(ii) and 379 of IPC in Crime No.78 of 2023, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant is a Government Bus Conductor. When A1 asked the defacto complainant to stop the bus at Ilangadu Village, the defacto complainant refused to stop, due to which, there arose a wordy quarrel between the accused and the defacto complainant, as a result of which, the petitioner, along with other accused, assaulted the defacto complainant and caused injuries to him. 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.



CrI.O.P.No.10589 of 2023

4. The learned Government Advocate (CrI.side) would submit that the injured is treated as an out patient. 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 is treated as an out patient, 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, Vandavasi, 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 petition for anticipatory bail shall stand dismissed and on further condition that:



Crl.O.P.No.10589 of 2023

WEB COPY

[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]**.

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

17.05.2023

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Page 3 of 4



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CrI.O.P.No.10589 of 2023

K.KUMARESH BABU, J.

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CrI.O.P.No.10589 of 2023

17.05.2023