



CrI.O.P.No.10882 of 2023

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A. D. JAGADISH CHANDIRA,J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 341, 294(b), 323, 324, 384 and 506 (ii) of IPC, in Crime No.288 of 2023, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant/Magesh is that the petitioners have entered into the de-facto complainant's shop and demanded rowdy mamool. When the de-facto complainant refused to pay, the accused, by abusing him in a filthy language, attacked him. Hence the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case, since the respondent suspects that they are friends of A1. He would submit that A1 has been arrested and he has been enlarged on bail. Hence, he prayed for grant of anticipatory bail to the



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4. The learned Government Advocate (Crl.side) would submit that the petitioners have entered into the de-facto complainant's shop and demanded rowdy mamool. When the de-facto complainant refused to pay, the accused, by abusing him in a filthy language, also attacked him. He would further submit that there is no previous case pending against these petitioners. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Heard the learned counsel for the petitioners as well as the learned Government Advocate (Crl.side) and perused the materials available on record.

6. In view of the above submissions made by the learned counsel for the petitioners, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;



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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 (15) days from the date on which the copy of the order is made ready, before **the learned Judicial Magistrate Court, Madhavaram**, on condition that 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.

[b] the petitioner shall report before the respondent Police everyday at 10.30 a.m., and 5.30 p.m., for a period of four weeks and thereafter every Saturday 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.



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[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 abscond, a fresh FIR can be registered under Section 229A IPC.

8. With the above directions, this Criminal Original Petition is ordered.

01.06.2023

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