



Crl.OP.No.10918 of 2023

Crl.O.P.No.10918 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 294(b), 323, 506(1) of IPC in Crime No.163 of 2023, seek anticipatory bail.

2. The case of the prosecution is that there was a wordy quarrel between the petitioners and the defacto complainant and as a result of which, the petitioners are said to have attacked the defacto complainant with wooden log on his neck and he sustained injuries. 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, the learned counsel prays to grant anticipatory bail to the petitioners.



Crl.OP.No.10918 of 2023

WEB COPY

4. The learned Government Advocate (Crl.Side) would submit that there is one previous case pending against these petitioners. The learned counsel further submitted that the defacto complainant had not sustained any external injury. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Considering the nature of allegation made against these petitioners, 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, Sirkazhi, on condition that the petitioner shall execute a bond for



Crl.OP.No.10918 of 2023

WEB COPY

a sum of Rs.10,000/- each (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 report before the respondent police as and when required for interrogation.

[c] the petitioners shall not tamper the evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.



Crl.OP.No.10918 of 2023

WEB COPY

[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

rka/dna



WEB COPY



Crl.OP.No.10918 of 2023

K.KUMARESH BABU.,J
rka/dna

Crl.O.P.No.10918 of 2023

17.05.2023