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Crl.O.P.No.11043 of 2023

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K.GOVINDARAJAN THILAKAVADI, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b), 352, 427 and 506(i) IPC, in Crime No.97 of 2023, seek anticipatory bail.

2. The case of the prosecution is that due to previous enmity, the petitioners assaulted the defacto complainant and also strangled him. Further, the petitioners wasted the twenty bags of cement by throwing into the river water and also damaged the machine used for making concrete mixture. 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.11043 of 2023

WEB COPY

4. The learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioners assaulted and strangled the defacto complainant. He also submitted that the petitioners were damaged the machine which is used for making concrete mixture. Hence, he opposed for grant of anticipatory bail to the petitioners.

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

6. Taking into consideration the facts and the submissions and that the petitioners are ready and willing to deposit some amount to the credit of Cr.No. 97 of 2023, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are directed to deposit a sum of **Rs.5,000/- (Rupees Five Thousand Only) each to the credit of crime No. 97 of 2023 within a period of three weeks from the date on which the order copy made ready**, and on such deposit the petitioners are



Crl.O.P.No.11043 of 2023

WEB COPY

ordered to be released on bail in the event of arrest or on their appearance, before the learned **Judicial Magistrate, Sirkali**, 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 petitioners shall deposit a sum of **Rs.5,000/- (Rupees Five Thousand Only)** each to the credit of **Crime No.97 of 2023** within a period of three weeks from the date on which the order copy made ready;

[c] the petitioners shall appear before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.



Crl.O.P.No.11043 of 2023

WEB COPY

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

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

[f] 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]**.

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

10.05.2023

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Crl.O.P.No.11043 of 2023

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