



WEB COPY



CrI.O.P.No.11442 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 427, 294(b), 506(i) of IPC in Crime No.228 of 2023, seek anticipatory bail.

2. The case of the prosecution is that on 12.05.2023 at about 21.30 hours, there was a wordy quarrel between the petitioners and the defacto complainant and it is alleged that the petitioners attacked the defacto complainant and threatened him with dire consequences. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners have not committed any offence as alleged by the defacto complainant and they have been falsely implicated in this case. Therefore, he prays to grant anticipatory bail to the petitioners.

4. Mr.P.Kalimuthu, learned counsel for the intervenor/defacto



CrI.O.P.No.11442 of 2023

complainant vehemently objected in granting anticipatory bail to the petitioners.

4. The learned Government Advocate [Criminal Side] would submit that the petitioners had assaulted and attacked the defacto complainant. Hence, he opposed to grant anticipatory bail to the petitioners.

5. Considering the above facts and circumstances of the case and also the relationship between the parties, this Court is inclined to grant anticipatory bail to the petitioner 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, Dharapuram** on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, one among the surety shall be a blood relative of the accused, each for a like sum to the satisfaction of the respondent



CrI.O.P.No.11442 of 2023

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 appear before the respondent police on 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.

[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.

18.05.2023

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