



Crl.O.P.No.11977 of 2023

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V.LAKSHMINARAYANAN, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 294(b), 324 and 506(2) of I.P.C. in Crime No.115 of 2023, on the file of respondent police, seeks anticipatory bail.

2. The case of prosecution is that due to previous enmity between the petitioner and the defacto complainant, there was a wordy quarrel between them, thereby they assaulted the defacto complainant and threatened him with dire consequences, due to which, he sustained injuries and he was admitted in the hospital for treatment. Hence, the complaint.

3. The learned counsel for petitioners submitted that a false case has been foisted against them and they have not committed any offence as alleged in the complaint. He would submit that they are no way connected with the offence and they are innocent persons. He would submit that the petitioners are ready to cooperate with the investigation and also abide by



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any condition imposed by this Court. Hence, he prayed to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for respondent raised objection stating that due to previous enmity, there was a wordy quarrel between the petitioner and the defacto complainant, in which he scolded him, assaulted him and also threatened him, thereby he sustained injuries and subsequently after treatment, he was discharged from the hospital. He would submit that due to the said occurrence, He would further submit if he is granted anticipatory bail, he will tamper the witnesses and hamper the investigation. Therefore, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



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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, Denkanikottai, on condition that the each petitioners shall also execute a separate 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:

[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 everyday at 10.30 a.m. for the period of four weeks and thereafter, as and when required for the investigation.

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

26.05.2023

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