



Crl.O.P.No.12187 of 2023

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V.LAKSHMINARAYANAN, J.

The petitioners / 1st and 3rd Accused, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 341, 294(b), 323, 324 and 506(ii) of I.P.C., in Crime No.203 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 16.05.2023 the petitioners along with one person abused in filthy language and also assaulted by their hands, wood, stick and beer bottle against the defacto complainant and two others at Municipality Office, Madhavaram for purchasing of alcohol. On such incident the defacto complainant along with two others sustained injury and they were admitted in the hospital. Thereafter, the respondent police registered a case in Crime No.203 of 2023.

3. The learned counsel for the petitioners would submit that the defacto complainant and two others voluntarily created problem for purchasing alcohol and abused the petitioners in filthy language and along



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with one and also assaulted the petitioners. He would submit that the petitioners are innocent and they have been falsely implicated in this case.

He would further submit that the petitioners are ready to cooperate with the investigation and also abide by 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 the petitioners have threatened to kill the defacto complainant. Further, the victims have already been discharged from the hospital. He would further submit if they are granted anticipatory bail, they will tamper the witnesses and hamper the investigation. Therefore, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the above facts and circumstances of the case, and considering the fact that the investigation is almost completed, 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 District Muncif cum Judicial Magistrate, Madhavaram, on condition that the petitioners shall 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., until further orders.

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



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

26.05.2023

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