



Crl.O.P.No.12689 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 336, 355 and 506(i) of I.P.C in Crime No.215 of 2023, seek anticipatory bail.

2. The case of the prosecution is that there was a wordy quarrel between the petitioners and the friend of the defacto complainant's son regarding money transaction, due to which, the petitioners went to the defacto complainant's house and abused and assaulted her sons and her husband with stones and chappal which caused injuries to them. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners and the defacto complainant are neighbours and they have not committed any such offence as alleged by the prosecution and they have been falsely implicated in this case. He would further submit that it is a case and case in counter. Hence he seeks for anticipatory bail to the petitioners.



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4. The learned Government Advocate (Crl. Side) appearing for the respondent Police would submit that there was a wordy quarrel between the petitioners and the friend of the defacto complainant's son regarding money transaction, due to which, the petitioners went to the defacto complainant's house abused and assaulted her sons and her husband with stones and chappal and caused injuries to them. He would further submit that the injured had taken treatment as out patient and also admit that it is a case and case in counter. However, 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 of the case and the submissions of the learned Counsel for the parties and also taking note of the fact that the injured had taken treatment as out patient, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. 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



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the learned ***District Munsif-Cum-Judicial Magistrate Court, Tharangampadi*** on condition that each of the petitioners shall execute separate bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 report before the respondent police everyday at 10:30 a.m for a period of two weeks and thereafter 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;



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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;

12.06.2023

Vv

A.D.JAGADISH CHANDIRA, J.

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