



WEB COPY



Crl.O.P.No.13489 of 2023

Crl.O.P.No.13489 of 2023

A.D.JAGADISH CHANDIRA,J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 324, 506(ii) of IPC, in Crime No. 473 of 2023, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant/Naveenkumar is that, due to previous enmity, the petitioners have assaulted the defacto complainant with wooden log and thereby causing bleeding injuries to the defacto complainant. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He further submit that due to previous enmity, a false complaint has been given against the petitioners and thereby he prays for

Page 1 of 5



Crl.O.P.No.13489 of 2023

grant of anticipatory bail to the petitioners.

WEB COPY

4. The learned Government Advocate (Crl.Side) would submit that due to previous enmity, the petitioners have assaulted the defacto complainant with wooden log. He further submit that the injured has been discharged from the hospital. However, he opposed for grant of anticipatory bail to the petitioners.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) and perused the materials available on record.

6. Considering the above fact and circumstances of the case and the submissions made by the learned counsel on either side and also taking note of the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



Crl.O.P.No.13489 of 2023

WEB COPY

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 is made ready, before the **learned Judicial Magistrate, Tiruthuraipoondi**, on condition that the petitioners shall execute separate bond 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, 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,



Crl.O.P.No.13489 of 2023

WEB COPY

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.

26.06.2023

drl

A.D.JAGADISH CHANDIRA,J.

drl



WEB COPY



Crl.O.P.No.13489 of 2023

Crl.O.P.No.13489 of 2023

26.06.2023