



Crl.O.P.No.14132 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 alleged offences punishable under Sections 147, 294(b), 324, 427, 506(ii) of IPC, in Crime No.171 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant/Meera is that due to dispute regarding welding work, the petitioners had assaulted the defacto complainant with stones and also threatened him with dire consequences. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He would further submit that the petitioners A4 and A6 were arrested and released on bail. He further submit that the petitioners are ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays to grant anticipatory bail to the petitioners.



Crl.O.P.No.14132 of 2023

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4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that due to the dispute regarding the welding works, the petitioners had assaulted the defacto complainant with stones and thereby causing injuries to him. He further submitted that the injured has discharged from the hospital. However, he vehemently opposed to grant anticipatory bail to the petitioners.

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

6. Taking into consideration the facts and circumstances of the case and the submission made by the learned counsel on either side and also the fact that the petitioners A4 and A6 have been arrested and enlarged on bail, in respect of A4 and A6, this petition is dismissed as not pressed, and as far as the petitioners 1, 2, 3 & 5 are concerned, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



Crl.O.P.No.14132 of 2023

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7. Accordingly, the petitioners 1, 2, 3 & 5 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, Thiruthuraipoondi**, on condition that the petitioners shall execute 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 1, 2, 3 & 5 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 1, 2, 3 & 5 shall report before the respondent police everyday at 10.30 a.m., until further orders.

[c] the petitioners 1, 2, 3 & 5 shall not tamper with evidence or witness either during investigation or trial.



Crl.O.P.No.14132 of 2023

A.D.JAGADISH CHANDIRA, J.

drl

[d] the petitioners 1, 2, 3 & 5 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 1, 2, 3 & 5 in accordance with law as if the conditions have been imposed and the petitioners 1, 2, 3 & 5 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

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Crl.O.P.No.14132 of 2023