



Crl.O.P.No.13951 of 2023

Crl.O.P.No.13951 of 2023

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), 324 and 506(ii) IPC in Crime No.177 of 2023**, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution as per the defacto complainant Karthi is that on 29.05.2023 at about 3.30 p.m., due to previous enmity on account of temple administration, the petitioners along with other accused, picked up a quarrel with the defacto complainant and also assaulted him using stick and bottle due to which, the defacto complainant sustained injuries. Hence, the case.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Hence, he prayed for grant of anticipatory bail to the petitioners.



Crl.O.P.No.13951 of 2023

WEB COPY

4. The learned Government Advocate (Crl. Side) appearing for the respondent opposed for grant of anticipatory bail to the petitioners stating that due to previous enmity, the petitioners abused the defacto complainant in filthy language and also assaulted him with stick and bottle due to which, he sustained injuries. However, he would submit that the injured has been discharged from the hospital.

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

6. Taking note of the facts and circumstances of the case and the submissions made by the learned counsel on either side and also 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.



CrI.O.P.No.13951 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 made ready, before **the learned Judicial Magistrate, Thiruthuraipoondi**, 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 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



WEB COPY



CrI.O.P.No.13951 of 2023

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, 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.

22.06.2023

ksa-2



WEB COPY



Crl.O.P.No.13951 of 2023

A.D.JAGADISH CHANDIRA, J.,

ksa-2

Crl.O.P.No.13951 of 2023

22.06.2023