



Crl.O.P.No.14750 of 2023

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G.CHANDRASEKHARAN. J.

The petitioners who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 294 (b), 324 IPC in Crime No.101 of 2023, on the file of the respondent police, seek anticipatory bail.

2. Learned counsel for the petitioners submitted that petitioners are accused in Crime No.101 of 2023, registered for the offences under Sections 294 (b), 324 IPC. He further submitted that the petitioners have been falsely implicated in this case and the co-accused have been released on bail by the learned Principal District and Sessions Judge, Tiruvallur, in Crl.M.P.No.1596 of 2023, dated 19.04.2023 and prays for anticipatory bail for the petitioners.

3. In response, the learned Government Advocate (Criminal side) submitted that though FIR was registered under Sections 294 (b), 324 IPC, it was altered to Sections 147, 148, 294 (b) 324 & 506 (ii) IPC. Petitioners along with the other accused, during the performance of the



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last rites of Susila, indulged in violence and started attacking the defacto complainant with concrete cement stones. As a result, defacto complainant suffered injuries in his right eye and eyebrow. He was treated as in-patient and discharged from hospital on 08.04.2023.

4.It is seen from the submission of the learned counsel appearing for the parties that there is also a counter case registered in crime No.100 of 2023 on the basis of the complaint given by A.B.Akash against Sridhar and others.

5.Considered the rival submissions and perused the records.

6.Considering the circumstances under which the incident had happened and the fact that the injured had been discharged from the hospital and that custodial interrogation of the accused is not necessary in this case, this Court is inclined to grant anticipatory bail to the petitioners and the petitioners are ordered to be released on bail in the event of their arrest or on their appearance, within a period of fifteen



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days from the date on which the order copy made ready, before **the learned Judicial Magistrate, Thiruvottriyur**, on condition that 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 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.



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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 petitioner 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.

03.07.2023

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