



Crl.O.P.No.14712 of 2023

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G.CHANDRASEKHARAN, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 323, 324 and 506(ii) IPC and r/w Section 4 of Women Harassment Act, in Crime No.452 of 2023, seek anticipatory bail.

2. Learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would submit that there was a fight between two parties, as a result of which, the petitioners are made as accused in Cr.No.452 of 2023, and that the allegations made against the petitioners are exaggerated and false. On the basis of the complaint given by the first petitioner, a case has also been registered in FIR.No.451 of 2023. Hence, he prays to grant anticipatory bail to the petitioners.



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3. The learned Government Advocate (Crl. Side) would submit that the first petitioner put up a fight with one Govindaraj in the temple premises, in which the defacto complainant intervened and advised them not to have any fight in the temple premises. In the said quarrel, the petitioner and the other accused said to have beaten the defacto complainant. He would submit that there is a counter case pending against the defacto complainant and that the injured has suffered only simple injuries and treated as out patient. However, he opposed to grant anticipatory bail to the petitioners.

4. Considering the nature of allegations made against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions, since custodial interrogation is not necessary.

5. 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 District Munsif Cum Judicial Magistrate, Uthukottai on condition that the



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petitioners shall execute a separate bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 4 and 5 shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and hereafter, every Saturday at 10.30 a.m., until further orders. Insofar as petitioners 1 to 3 are concerned, they shall appear before the respondent police as and when required for interrogation.

[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, 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



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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.

30.06.2023

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