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Crl.O.P.No.15261 of 2023

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G.CHANDRASEKHARAN. J.

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 323, 324 and 506(ii) of IPC in Crime No.224 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The learned counsel for the petitioners submitted that, petitioners are falsely implicated in Crime No.224 of 2023 registered for the offence under Sections 294(b), 323, 324 and 506(ii) of IPC. On the basis of the complaint given by the petitioners, Crime No.225 of 2023 was registered. Hence, he seeks for grant of anticipatory bail to the petitioners.

3. In response, learned Government Advocate (Crl. Side) submitted that, in connection with the dispute in a temple festival at about 09.00.p.m., accused had beaten the defacto complainant with bricks and hands. As a result, defacto complainant suffered severe



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injuries and he was treated in the hospital and discharged. However, he opposed for grant of anticipatory bail to the petitioners.

4. Considering the nature, facts and circumstances of the case and that the injured victim has been discharged from the hospital and also that the material part of the investigation might have been over by this time, this Court is of the view that custodial interrogation of the petitioners is not necessary. Therefore, this Court is inclined to grant anticipatory bail to the petitioners.

5. Accordingly, 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 Sendamangalam**, on condition that the petitioners shall execute 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



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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, the learned Magistrate/Trial Court is entitled to take appropriate action against the second petitioner in accordance with law as if the conditions have been imposed and the second petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by



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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.

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