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CrI.O.P.No.15830 of 2023

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**RMT.TEEKAA RAMAN, J.**

The petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Section 294(b), 324, 307, 302 and 34 of IPC, in Crime No.665 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant and her husband were attacked with the knife and Iron rod by the petitioners along with one Sriram/A1 and his wife Chitra/A2 and ran away from the scene of occurrence, due to which, the defacto complainant's husband died and the defacto complainant sustained severe injuries and admitted in the hospital. Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that the respondent police has completed the investigation and filed the charge sheet before the District



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Munsif – cum – Judicial Magistrate, Neyveli, in P.R.C.No.11 of 2023 against A1 and A2. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) for the respondent would submit that there are totally five accused in this case in which, the petitioners are arrayed as A3 to A5. He would further submit that the investigation has been completed and the same is numbered as PRC.No.11 of 2023. Hence, he strongly objected to grant anticipatory bail to the petitioners.

5. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondent and perused the materials placed before me.

6. It is seen that the respondent police have filed the charge sheet for Crime No.665 of 2022 along with deletion report, by deleting the names of the accused A3 to A5 from the case. The said case has been



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taken on file and numbered as PRC.No.11 of 2023. The learned District Munsif cum Judicial Magistrate, Neyveli, issued notice to the defacto complainant regarding the deletion of the accused A3 to A5 from the case and for filing objection application. After perusing the statement of L.W.1 and L.W.5, the learned District Munsif cum Judicial Magistrate has issued summons for adding the deleted accused as accused in the case and he has issued summons to the accused also. The accused have also appeared in the last hearing date and now they seek anticipatory bail.

7. Taking into consideration the facts and circumstances of the case and also taking note of the fact that the investigation is completed, I am inclined to grant anticipatory bail to the petitioners subject to the following conditions:

8. Accordingly, the petitioners are ordered to be released on bail in the event of their 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, Neyveli**, on



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condition that the petitioners shall execute separate bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each 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 appear before the respondent police as and when required for interrogation and shall appear before the District Munsif cum Judicial Magistrate, Neyveli, on all hearing dates.

[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.



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[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 abscond, a fresh FIR can be registered under Section 229A IPC.

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