



Crl.O.P.No.17280 of 2023

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WEB CRI RMT.TEEKAA RAMAN, J.

The Petitioners, who apprehend arrest at the hands of the Respondent police for the offence punishable under Sections 294(b), 324 & 506(ii) of IPC in Crime No.863 of 2023 on the file of the Respondent police, seek anticipatory bail.

2.The case of the prosecution is that the Defacto Complainant/Babu gave a complaint before the Respondent Police stating that on 16.07.2023 at around 06.45, he was renovating his own house and at that time one Ramesh, his Maheswari and son Neelakandan were arrived there and scolding him by using filthy language and the said Ramesh attacked him by using iron rod and others were held his hands.

3.The learned Counsel for the Petitioners would submit that the Defacto Complainant and the first Accused are brothers and there is a civil dispute between them. Due to previous enmity, the Defacto Complainant gave a false complaint against Petitioners. Hence, the learned counsel for Petitioners prays for grant of anticipatory bail to Petitioners.

4.The learned Government Advocate (Criminal Side) for the Respondent would submit that A1 was already arrested and remanded to judicial custody and the Petitioners are A2 & A3. He is vehemently opposed to



grant anticipatory bail to the Petitioners.

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5. Heard both sides and perused the materials available on record.

6. Taking into consideration the facts and the submissions made by the learned counsel on either sides and the fact that the allegation against the Petitioners is that they have held the hands of the Defacto Complainant at the time of assault, this Court is inclined to grant anticipatory bail to the Petitioners with certain conditions.

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, Thiruthani**, 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;



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[b] the Petitioners shall report before the Respondent Police, everyday at 10.30 a.m., for a period of four weeks and thereafter as and when required;

[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 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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