



Crl.O.P.No.17194 of 2023

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RMT.TEEKAA RAMAN, J.

The petitioners/A1, A2, A4 & A5, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 147, 341, 294(b), 323, 324 and 506(ii) of IPC, in Crime No.458 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution the defacto complainant/Siva, due to previous enmity, the petitioners along with other accused have waylaid the defacto complainant, abused him and assaulted him with iron rod and also intimidated him. 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 petitioners are no way connected with the offence as alleged by the prosecution. Hence, he prayed for grant of anticipatory bail to the petitioners.



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4. The learned Government Advocate (Criminal Side) for the respondent would submit that due to previous enmity, the petitioners along with other accused have waylaid the defacto complainant, abused him and assaulted him with iron rod and also intimidated him. He would further submit that there are one previous case pending against the petitioners 1 and 2 and as far as the petitioners 3 and 4 are concerned, there is no previous case. Hence, he opposed for grant of anticipatory bail to the petitioners.

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

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioners 3 and 4 alone with certain conditions and taking note of the antecedent of the petitioners 1 and 2, this court is not inclined to grant anticipatory bail to



Crl.O.P.No.17194 of 2023

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them and thereby, the petition, insofar as the petitioners 1 and 2 are concerned, is liable to be dismissed.

7. Accordingly, the criminal original petition in respect of the petitioners 1 and 2 stands dismissed and in respect of the petitioners and 3, the criminal original petition stands ordered. Thereby, the petitioners 3 and 4 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, Omalur**, on condition that the petitioners 3 and 4 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 3 and 4 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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Crl.O.P.No.17194 of 2023

[b] the petitioners 3 and 4 shall report before the respondent Police, everyday at 10.30 a.m., for a period of four weeks;

[c] the petitioners 3 and 4 shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 3 and 4 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 3 and 4 in accordance with law as if the conditions have been imposed and the petitioners 3 and 4 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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Crl.O.P.No.17194 of 2023

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Crl.O.P.No.17194 of 2023

07.08.2023