



Crl.O.P.No.17173 of 2023

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WEB C RMT.TEEKAA RAMAN, J.

The Petitioners, who apprehend arrest at the hands of the Respondent police for the offence punishable under Sections 324, 294(b), 506(ii) of IPC in Crime No.487 of 2023 on the file of the Respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 15.07.2023 at about 03.00p.m., the 2nd Petitioner took water from the public water tank at his village, but one Murali resisted for taking water and there was a verbal altercation between the said Murali and the 2nd Petitioner. Hence the complaint.

3.The learned Counsel for the Petitioner would submit that the defacto-complainant and his relative were confined the 1st Petitioner and stab him several time and the 1st Petitioner sustained several injuries and admitted in Government Hospital, Thiruvallur. The defacto-complainant and other accused conspired together, when the Petitioners returning from the funeral of Kuppan, stabbed in stomach by using knife and cause grievous injury. The respondent has foisted a false case against this Petitioners. The Petitioners are no way connected with the present case and the Respondent police in order to take vengeance against the Petitioners, foisted a false case against this



Petitioners with the said alleged offence, their names were falsely implicated in the said case. Hence, the learned counsel for the Petitioners prays for grant of anticipatory bail to the Petitioners.

4.The learned Government Advocate (Crl. Side) for the Respondent would submit that in this case injured has already been discharged from the hospital. He is vehemently opposed to grant anticipatory bail to the Petitioner.

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 nature and gravity of the alleged offence and the fact that the injured has already been discharged from the hospital, 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, Uthukottai** on condition that the Petitioner 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



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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 before the Respondent Police, on everyday at 10.30 am for a period of three 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.

21.08.2023

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