



Crl.O.P.No.18276 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 Sections 448, 427 and 506(i) of IPC, in Crime No.376 of 2023, seek anticipatory bail.

2. The case of the prosecution is that due to previous enmity, the petitioners trespassed into the house of the defacto complainant, abused him, threatened him and also damaged windshield of the car belonging to the defacto complainant. Hence the case.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and due to previous enmity, they have been falsely implicated in this case. He would further submit that without prejudice to their rights and contentions before the trial Court, the petitioners are ready and willing to deposit a sum of Rs.5,000/- each to the credit of crime number. Hence, he prays for grant of anticipatory bail to the petitioners.



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4.The learned Government Advocate (crl.side) for the respondent Police would submit that due to previous enmity, the petitioners trespassed into the house of the defacto complainant, abused him, threatened him and also damaged windshield of the car belonging to the defacto complainant. He would further submit that no previous case is pending against the petitioners. However, he opposed for grant of anticipatory bail to the petitioners.

5. Heard the learned counsel on either side and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and also taking note of the fact that the petitioners have come forward to deposit an amount of Rs.5,000/- each to the credit of crime number, this Court is inclined to grant bail to the petitioners with certain conditions.



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7. Accordingly, the petitioners are directed to deposit a sum of Rs.5,000/- each to the credit of Crime No.376 of 2023, without prejudice to their rights and contentions before the trial Court and on such deposit and production of proof before the trial Court, 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 District Munsif cum Judicial Magistrate, Madhavaram**, 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.

[b] **the petitioners shall report before the respondent Police, everyday at 10.30 a.m., for a period**



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**of four weeks and thereafter, on every Saturday 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 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.

**01.09.2023**

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