



Crl.O.P.No.18309 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 294(b), 323, 324, 506(ii) of IPC in Crime No.232 of 2023 on the file of the Respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 02.07.2023 at about 06.00p.m. there was a wordy quarrel between the defacto-complainant Mr.Sakthivel and Accused No.1 Murugesan for the reason that three sons of Sakthivel and Sakthivel's brother son were playing ball near the house of Accused No.1 Sadayan @ Murugesan, ball fell down in the house of Accused No.1, then Accused No.1 and 2 scolded them in filthy language against the sons of Sakthivel and the 1st Petitioner hold the shirt of the defacto-complainant and 2nd Petitioner slapped on the left cheek of the Defacto-complainant. Thereafter, Accused No.1 beat the father of the defacto-complainant and took a stick nearby and hit on the head of the father of the defacto-complainant. The 2nd Petitioner then took a house tile and hit on the head of the Defacto-complainant and the 2nd Petitioner took a iron rod and beat on the back of Defacto-complainant. Accused No.1 threatened the defeacto-complainant and his father by showing iron rod. Hence the complaint.



3.The learned Counsel for the Petitioner would submit that the Petitioners will abide to any conditions imposed on them by this Court. He would further submit that the counter case in Crime No.233/2023 of Sendamangalam Police Station was registered by the the respondent police u/s.294(b), 323, 324 of IPC against Sakthivel and Ramu on 12.07.2023. Hence, the learned counsel for the Petitioner prays for grant of anticipatory bail to the Petitioner.

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

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 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, Sendamangalam** 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, 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



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Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala**

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[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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