



Crl.O.P.No.21016 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 147, 324, 355 & 506 (ii) of IPC in Crime No.297 of 2017 on the file of the Respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 16.07.2017, when the Defacto Complainant's father and brothers after completing their prayer, came out from the Church, the Petitioners attacked them at the instigation of the Pastor. Hence the complaint.

3.The learned Counsel for the Petitioners would submit that there is no motive to attack the Defacto Complainant's family to the Petitioners. Due to the dispute with regard to administration of the Church, in the year 2017 FIR was filed, but the same was not closed, yet. Now the Defacto Complainant insisted the Respondent to arrest the Petitioners in the said FIR. 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 matter charge sheet has been filed. However, he vehemently opposed to grant anticipatory bail to the Petitioners.



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

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6.Taking into consideration the facts and circumstances of the case and also the submissions made by the learned counsel on either sides and the fact that charge sheet has already been filed in this matter, 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, Sathyamangalam, Erode District**, 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 every Saturday at 10.30 a.m., for a period of four weeks and thereafter as and when required;**

[d] the Petitioners shall not tamper with evidence or



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witness either during investigation or trial.

[e] the Petitioners shall not abscond either during investigation or trial.

[f] 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 Petitioner 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]**.

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

14.09.2023

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