



Crl.O.P.No.20810 of 2023

Crl.O.P.No.20810 of 2023

RMT.TEEKAA RAMAN, J.

The Petitioners, who apprehend arrest at the hands of the Respondent police for the offence punishable under Sections 341, 294(b), 323, 324 & 506(ii) of IPC in Crime No.369 of 2023 on the file of the Respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 24.08.2023 due to the civil dispute between the Petitioners and the Defacto Complainant, the Petitioners assaulted the Defacto Complainant and threatened him with dire consequences. Hence the complaint.

3.The learned Counsel for the Petitioners would submit that the Petitioners are no way connected with the alleged offences. Due to the civil dispute between the parties, the Defacto Complainant lodged a false case against the Petitioners. Hence, the learned counsel for the Petitioners prays for grant of anticipatory bail to the Petitioners.

4.The learned Government Advocate (Criminal Side) for the Respondent would submit that it is a case in counter and he 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 fact that there is civil dispute pending between the parties, 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 District Munsif cum Judicial Magistrate, Kunnam**, 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 a.m., 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



Crl.O.P.No.20810 of 2023

investigation or trial.

WEB COPY

[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.

11.09.2023

sai



WEB COPY



CrI.O.P.No.20810 of 2023

RMT.TEEKAA RAMAN, J.

sai

CrI.O.P.No.20810 of 2023

11.09.2023