



Crl.O.P.No.21449 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 147, 148, 341, 294(b), 323, 324 & 506(ii) of IPC altered into 147, 148, 294(b), 323, 324, 341, 427, 506(ii) & 307 in Crime No.106 of 2023 on the file of the Respondent police, seeks anticipatory bail.

2.When the matter is taken up for hearing, learned Counsel appearing for the Petitioners seeks permission of this Court to withdraw this Petition against the first Petitioner and he has also made an endorsement to that effect.

3.The case of the prosecution is that on 26.04.2023, the Accused at the instigation of the second Petitioner, who is the President of Ravathanallur, attacked the defacto complainant with the blunt portion of Aruval, due to the dispute arose between the Defacto Complainant and the second Petitioner with regard to distribution of porridge on 25.04.2023. Hence the complaint.

4.The learned Counsel for the Petitioners would submit that there was a dispute with regard to distribution of porridge in a temple festival and the



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Defacto Complainant in an inebriated condition picked quarrel with the persons, who are consuming porridge and the furious mob attacked the Defacto Complainant and the same was manipulated by the Defacto Complainant against these Petitioners. Hence, the learned counsel for the Petitioners prays for grant of anticipatory bail to the second Petitioner.

5.The learned Government Advocate (CrI. Side) for the Respondent would submit that A1 & A4 were already and released on bail by this Court in CrI.OP.No.13110 of 2023 dated 21.06.2023. He vehemently opposed to grant anticipatory bail to the second Petitioner.

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

7.Taking into consideration the facts and circumstances of the case and also the submissions made by the learned counsel on either sides and the nature and gravity of the offence, this Court is inclined to grant anticipatory bail to the second Petitioner with certain conditions.

8.Accordingly, the second Petitioner is ordered to be released on bail



in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate, Sankarapuram**, on condition that the second 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 Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the second Petitioner 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 second Petitioner shall report before the Respondent Police, everyday at 10.30 a.m., for a period of three weeks and thereafter as and when required;**

[c] the second Petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the second Petitioner 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 second Petitioner in accordance with law as if the conditions have been imposed and the second Petitioner



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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.

9.In view of the submissions and the endorsement made by the learned counsel for the Petitioners with regard to the first Petitioner, this Criminal Original Petition is dismissed as withdrawn as against the first Petitioner.

20.09.2023

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