

Crl.O.P.No.21778 of 2023**RMT.TEEKAA RAMAN, J.**

The petitioners/A1 to A3, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 294(b), 323, 324 and 506(i) of I.P.C., in Crime No.169 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that there is a previous enmity between them over a pathway which leads to a common well. On 05.09.2023, when the de-facto complainant was in house, an Eicher van was unloading coconut leaves on the pathway near the well. On seeing this, the de-facto complainant and his wife went there and informed to the van driver that they should not put the coconut leaves in the said place. The driver stopped and called up the petitioners who in turn abused and beat up the de-facto complainant and his co-brother with hand and coconut leaves. Hence the case.

3. The learned Counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that a case in counter is pending. Hence, he prayed for grant of anticipatory bail to the petitioners.

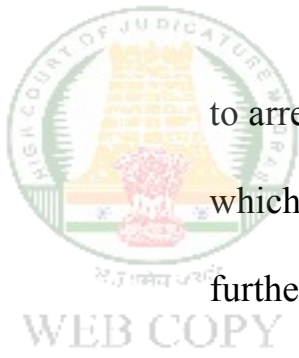


4. The learned Government Advocate (Criminal Side) for the respondent would submit that due to previous enmity, the petitioners assaulted the de-facto complainant and his brother with hand and coconut leaves and he sustained injury. He would further submit that a case in counter is pending and the injured has been discharged from the hospital. However, he opposed for grant of anticipatory bail to the petitioners.

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

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel on either side and also of the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners.

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 Court, Dharapuram**, 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., 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.

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