



Crl.O.P.No.22901 of 2023

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C.V.KARTHIKEYAN, J.

The petitioners herein seek anticipatory bail in Crime No.153 of 2023 registered by the respondent Police for the offence under Sections 147, 148, 448, 294(b), 324, 307 and 302 IPC.

2. The learned counsel for the petitioners stated that the petitioners are innocent persons and they have been falsely implicated in a case registered in Crime No.153 of 2023 registered by the respondent Police for the offence under Sections 147, 148, 448, 294(b), 324, 307 and 302 IPC. Thus, he seeks anticipatory bail to the petitioners.

3. It is stated by the learned Government Advocate (Crl.Side) that, the petitioners herein arrayed as accused on the basis of confessional statement of A1. It is seen that there was a dispute between the family members of the accused and family members of the defacto complainant. In this instance, all the accused had gone over to the house of the defacto complainant and had tried to engage for settlement talks and that failed. At 04.30 p.m, the accused persons went over to the house of the defacto



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complainant and assaulted them. Four persons were injured and one died.

Thus, he prayed for dismissal of this petition.

4. In response, learned counsel for the petitioners contended that these petitioners were not present at the time of the 2nd incident, in which offences under Sections 147, 148, 448, 294(b), 324, 307 and 302 IPC were committed. It is also stated that A1 to A4 had been released on bail.

5. This Court is of the view that this matter will have to be examined with respect to the role of these petitioners in the alleged second incident that took place at 4.30 p.m. Taking into consideration the fact and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. 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, Denkanikottai**, on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only)



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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 daily at 10.00.a.m., for a period of two weeks and thereafter, once in a week i.e., every Monday at 10.00 a.m., for a period of three weeks and thereafter, as and when required for interrogation.

[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]**;



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

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