



Crl.O.P.No.23950 of 2023

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C.V.KARTHIKEYAN, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 147, 341, 294(b), 323,324 and 506(ii) of IPC in Crime No.458 of 2023, seek anticipatory bail.

2. The case of the prosecution is that the accused and the Defacto complainant sat down together and consumed liquor near the temple and started a wordy quarrelling. This petitioner and other accused had assaulted the de-facto complainant with iron rod. the Hence, the complaint.

3. The learned counsel for the petitioners stated that these petitioners have arrayed as Accused No.1 and 2. These petitioners filed an anticipatory bail application before this Hon'ble Court in Crl.O.P.No. 17194 of 2023 and the same was dismissed. The second anticipatory bail application was also dismissed by this Hon'ble Court. This petition is third anticipatory bail application. These petitioners claim to be innocent



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persons and that they have not committed any offence as alleged by the respondent. Hence, they pray for grant of anticipatory bail.

4. It is stated by the learned Government Advocate (Criminal Side) that the petitioners and the Defacto complainant sat down together and consumed liquor near the temple and started wordy quarrelling and assaulted the de-facto complainant with iron rod. There was one previous case against this first petitioner. Hence, he vehemently opposed to grant of Anticipatory Bail to the petitioners.

5. Taking into consideration, this Court is inclined to grant anticipatory bail to the second petitioner herein with certain conditions and the anticipatory bail for first petitioner is stands dismissed as withdrawn.

6. 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 Court, Omalur**, on condition that the second petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the



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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 appear before the respondent police daily at 10.30 a.m., for the period of two weeks and thereafter as and when required.

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

[d] the 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner released on



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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 absconds, a fresh FIR can be registered under Section 229A IPC.

18.10.2023

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C.V.KARTHIKEYAN, J.



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