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Crl.O.P.No.24880 of 2023

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R. KALAIMATHI, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 323, 324 and 506(ii) of IPC in Crime No.479 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners along with A2 abused the defacto complainant and his family members in a filthy language and also assaulted them with hand and wooden log for which the defacto complainant's son sustained head injury. Hence, the complaint

3. The learned counsel appearing for the petitioners submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioners.



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4.The learned Government Advocate (Crl,. Side) would submit that due to civil dispute between the petitioners and the defacto complainant, the petitioners along with A2 assaulted the defacto complainant and his family members with wooden log due to which, the defacto complainant's son sustained head injury. He would submit that the injured has been discharged from the hospital on 24.08.2023. However, he opposed to grant anticipatory bail to the petitioners.

5. Considering the facts, nature and circumstances of the case that the injured victim has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners for the reason that, custodial interrogation of the petitioners is not necessary in this case.

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 Judicial Magistrate Court-II, Kallakurichi** on condition that the petitioners shall execute a separate bond for a sum of **Rs.10,000/-**



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(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



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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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nr/nti

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

26.10.2023

nr/nti

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