



Crl.OP.No.29125 of 2023

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P.DHANABAL, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 427 & 506 (ii) of IPC in Crime No.107 of 2023, seek anticipatory bail.

2. The case of the prosecution is that the the petitioners due to previous enmity had attacked the defacto complainant's shop and abused with filthy language. Hence, the complaint.

3. The learned counsel for the petitioners would contend that they were not present in the occurrence, due to previous enmity between the petitioners and the defacto complainant, they are falsely implicated by the respondent police in the case. Hence, he seek anticipatory bail.

4. The learned Government Advocate(Crl.Side) would submit that the petitioners due to previous enmity abused the defacto complainant in filthy language and also damaged the properties and threatened with dire consequences and committed serious offence, hence strongly objected to grant anticipatory bail to the petitioners.



Crl.OP.No.29125 of 2023

5. Heard both sides and perused the materials placed on record.

6. Considering the rival submissions on either side and considering the fact that the nobody was injured and the offences charged against the petitioners and also considering the fact that except 506 (ii) of IPC, other offences are bailable in nature, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

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, Sankarapuram, on condition that the 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 petitioners and the sureties shall affix their photographs



Crl.OP.No.29125 of 2023

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 on every Saturday at 10.30 a.m., for a period of four 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]**.

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

28.12.2023

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Crl.OP.No.29125 of 2023



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