

**CRL.O.P.No.29212 of 2023**

WEB COPY

P.DHANABAL, J.,

The petitioners/accused nos.1 to 4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 324 and 506(ii) IPC in Crime No.373 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to previous enmity between the parties, the petitioners abused the defacto complainant using filthy language, 1st petitioner assaulted the defacto complainant using spade over his left hand, 2nd petitioner assaulted him with crowbar over his head, 3rd petitioner pulled him down and the fourth petitioner assaulted him with hands on his chest and caused injuries and also threatened him with dire consequences. hence the case.

3.The learned counsel for the petitioners would contend that the petitioners are innocent and due to previous enmity a false case has been foisted against them. He would further submit that the injured sustained only simple injuries, hence he seeks anticipatory bail.

4.The learned Government Advocate (Crl. Side) would submit that



the defacto complainant was treated as inpatient for 10 days and thereafter discharged from hospital. Hence, he objected to grant anticipatory bail to the petitioners.

5. Heard both side and perused the materials available on record.

6. Considering the rival submissions on either side and considering the fact that the injured sustained only simple injuries and has been discharged from the hospital, 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, Edappadi on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioners shall report before the respondent police daily at



10.30 a.m., for a period of thirty days and thereafter as and when required for interrogation.

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners shall not abscond either during investigation or trial.

[d] 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].

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

28.12.2023

Tsg

P.DHANABAL, J.,

Tsg



WEB COPY



CRL OP.No.29212 of 2023

28.12.2023