



Crl.O.P.No.29257 of 2023

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WEB CO **P.DHANABAL, J.**

The petitioners/accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 294(b), 323, 324 and 506(ii) of IPC in Crime No.272 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to civil dispute between the petitioners and defacto complainant, wordy quarrel arose between them in which the petitioners are alleged to have abused the defacto complainant in a filthy language and also attacked them, due to which, the defacto complainant got injured and his wife also sustained injury. Hence this case.

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



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4. The learned Government Advocate (Crl. Side) would submit that no previous case pending against these petitioners and also the injured was discharged from the hospital. However, he vehemently opposed to grant anticipatory bail to the petitioners.

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

6. Considering the rival submissions on either side and considering the fact that the injured was discharged from the hospital, there is no previous case as against these petitioners and except 506(ii) of IPC, other offences are bailable in nature, this Court is inclined to grant anticipatory bail to these petitioners, subject to the following conditions.

7. Accordingly, these 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, Rasipuram*, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/-



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(Rupees Ten Thousand only) each with two sureties each for a like

sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a] the petitioners shall report before the respondent police every Saturday at 10.00 a.m., for a period of four weeks 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.



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