

**CRL.O.P.No.29245 of 2023****WEB C P.DHANABAL, J.,**

The petitioners/accused nos.1 & 2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 506(ii) r/w Section 34 of IPC in Crime No.210 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 14.12.2023, at about 09.00 a.m., while the de-facto complainant was going to work from his house, the petitioners abused the defacto complainant using filthy language and attacked him with hands. 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 due to previous enmity, the petitioners abused the de-facto complainant using filthy language and attacked him with hands. He further submitted



he objected to grant anticipatory bail to the petitioners.

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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 – IV, Pondicherry 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 B-2 Kalapet Police Station, Puducherry – 605 014 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

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