



Crl.O.P.Nos.1641 & 6225 of 2024

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C.V.KARTHIKEYAN, J.

The petitioners herein seek anticipatory bail in Crime No.658 of 2023 registered by the respondent police for the offences under Sections 294(b), 353 and 506(i) of IPC.

2. The learned counsel for the petitioners stated that they have falsely implicated as accused in this case. Apprehending arrest from the respondent police, he seeks bail to the petitioners.

3. The learned Government Advocate(Crl.side) stated that the defacto complainant is the Manager of a TASMAC shop and he complained that the petitioners demanded mamul for the shop to continue to function in that place.

4. In reply the learned counsel for the petitioners stated that the 1st petitioner is the owner of a liquor bar and the 2nd petitioner is the sales men of the liquor bar.



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5.The earlier application seeking anticipatory bail was dismissed on 07.11.2023 in Crl.O.P.No.24690 of 2023.

6.A counter affidavit has been filed on behalf of the respondent, wherein it had stated that the statement of five witnesses have been recorded. So far as A2 is concerned, there is a previous case against him in Cr.No.658 of 2023 registered under Sections 294(b), 353 and 506(i) of IPC. Even in that case, he had threatened and abused him the same defacto complainant.

7. However, taking all the other factors into consideration this Court is inclined to grant anticipatory bail to the petitioner in Crl.O.P.No.6225 of 2024 and the second petitioner in Crl.O.P.No.1641 of 2024 with certain conditions. This Criminal Original Petition stands dismissed as against the first petitioner in Crl.O.P.No.1641 of 2024.

8. 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, Thiruvottiyur**, on condition that the petitioners shall execute a



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separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties 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 petitioner in Crl.O.P.No.6225 of 2024 and the second petitioner in Crl.O.P.No.1641 of 2024 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.



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[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 absconds, a fresh FIR can be registered under Section 229A IPC.

27.03.2024



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