

Crl.O.P.No.8772 of 2024

T.V.THAMILSELVI,J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 294(b), 324, 506(ii) of IPC, in Crime No.39 of 2024, seek anticipatory bail.

2. The case of the prosecution is that on 25.03.2024, there was a enmity between the 3rd accused and the defacto complainant's family, due to which, the petitioners and other accused persons attacked the defacto complainant with a wooden log and threatened him with dire consequences. Hence, the complaint.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case. He further submits that they have nothing to do with the alleged offence and it is a case and a case in counter. He further submits that the petitioners are ready to abide by any condition that may be imposed by this Court. Hence, he prays to grant anticipatory bail to the petitioners.

4. Learned Government Advocate (CrI.Side) appearing for the respondent submitted that the petitioners and the defacto complainant are close relatives, due to previous enmity, the petitioners and other accused persons attacked the defacto complainant's family with a wooden log and caused injury to them. He further submits that the injured has been discharged from the hospital. Hence, he vehemently opposed for the grant of anticipatory bail to the petitioners.

5.Taking into consideration the facts and the submissions made by both counsels and the fact that the petitioners without prejudice to their rights are volunteered to deposit a sum of Rs.10,000/- to the credit of the Crime Number, this Court is inclined to grant **anticipatory bail** to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on anticipatory 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 No.II, Mannargudi**, on condition that the

petitioners shall execute a separate 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 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 shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Crime No.39 of 2024 before the learned Judicial Magistrate No.II, Mannargudi, within a period of two weeks from the date of receipt of a copy of this order and on such deposit, the de-facto complainant is permitted to withdraw the same, on filing undertaking affidavit and proper identification and acknowledgment;

[b] 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;

[c] the petitioners shall report before the respondent police as and when required for interrogation;

T.V.THAMILSELVI, J.

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[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioners shall not abscond either during investigation or trial;

[f] 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]**;

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

10.04.2024

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