



Crl.O.P.No.9262 of 2024

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T.V.THAMILSELVI, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 304(2) of IPC and Sections 25(1B)(a), 27(I) of ARMS Act in Crime No.148 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that on 08.03.2024, the petitioners along with his friends went for deer hunting. During deer hunting, a bullet from the gun of one of the accused was mistakenly fired at the deceased person. Hence, the complaint.

3. The learned counsel appearing for the petitioners submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He would submit that they have not involved at the gunfire. Hence, he prays for grant of anticipatory bail to the petitioners.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent submit that there are totally 12 accused in this case in which two accused were enlarged on bail and other accused are still in judicial custody. He would submit that initially the case was registered as man missing and later altered to 304 of IPC. Hence, he opposed for grant of anticipatory bail to the petitioners.

5. The petitioners along with other accused persons went for hunting at that time, mistakenly, one of the accused fired, due to which, son of the defacto complainant sustained injury and died. According to the petitioners, on that day, the defacto complainant also accompanied with them. Considering the facts and circumstances of the case and also considering the submissions made by the learned counsel on either side and also the fact that investigation has been completed and co-accused were released on bail, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions.



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6. Accordingly, the petitioners are directed to **deposit a sum of Rs.30,000/- (Rupees Thirty Thousand Only) each** to the credit of **Crime No.148 of 2024** within a period of three weeks from the date of receipt of a copy of this order and the defacto complainant is permitted to withdraw the amount and on such deposit and production of proof, the petitioners are ordered to be released on anticipatory bail in the event of arrest or on their appearance before the **learned Judicial Magistrate Chengam** on condition that the petitioners shall execute a separate bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)** 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 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.



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[b] the petitioners are directed to report before the respondent police daily at 10.30 a.m., for a period of eight weeks and thereafter, as and when required for interrogation.

[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.

[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.

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