



Crl.O.P.No.11259 of 2024

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K.KUMARESH BABU, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 323, 506(ii) of IPC in Crime No.101 of 2024, seek anticipatory bail.

2. The case of the prosecution is that the petitioner and defacto complainant are same village. The defacto complainant is living in the said address with two sons and one daughter. On 18.04.2024 he went to the election booth, thereafter return back to his house. In the mean while, when the defacto complainant's son went to the outside Open Toilet, the petitioners interrupted the defacto complainant's son and attacked with hands. The said issue was informed to the defacto complainant, he came to the place and questioned about the issues, the petitioners told the defacto complainant that his son drove a vehicle rashly and negligently. Therefore they attacked the defacto complainant's son when, it was questioned by the defacto complainant, the defacto complainant was also attacked by them. Thereby, he was injured and admitted in the



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Government Hospital, Namakkal. Based on the intimation given by hospital, the respondent police received a statement from the defacto complainant. Hence the complaint.

3. The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that the victim discharged. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Taking into consideration of all the factors, anticipatory bail is granted to the petitioners with certain conditions.

6. 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, Sendamangalam*, on condition that the petitioners shall execute a bond for a sum of **Rs.10,000/-** (*Rupees Ten Thousand only*) with two sureties each for a like sum to



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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 petitioners shall report before the respondent police everyday at 10.00 a.m., for a period of two 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



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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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