

CRL.O.P.No.14877 of 2016

S.VAIDYANATHAN,J.

Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 447, 294(b), 323 and 506(ii) IPC in Crime No.213 of 2016 on the file of the respondent police, the petitioners have come forward with this petition seeking anticipatory bail.

2. Heard the learned counsel for the petitioners, the learned counsel for the intervenor and the learned Government Advocate (Crl. Side) appearing for the respondent police.

3. The petitioners are arrayed as A2 and A3 in this case. The defacto complainant is the daughter-in-law of A1. The first petitioner is the son-in-law of A1 and the second petitioner is her daughter. The case of the prosecution is that due to family dispute, the petitioners along with A1 have trespassed in to the garden where the defacto complainant was working and abused her in a filthy language and assaulted her and caused injury and threatened her with dire consequences.

4. Learned Counsel for the petitioners submitted that the defacto complainant and her husband are continuously giving trouble to the first accused and they have even assaulted the first accused and in this regard the first accused already lodged complaints against the defacto complainant and her husband, who are none other than daughter-in-law and son of the first accused. It is further submitted that when the A1 went to the police station for enquiry in the complaint lodged by her, she

was arrested in this case. Due to property dispute among the family members, the defacto complainant has lodged a false complaint to harass the petitioners and the petitioners have been falsely implicated in this case and that they have not committed any such offence. It is further submitted that already civil suits are pending between the parties.

5. The learned counsel for the intervenor submitted that the defacto complainant's father-in-law executed two Wills in favour of the husband of the defacto complainant and his legal heirs and as per the said Will, the defacto complainant and her husband are in enjoyment of the properties. Being envied by the same and on the instigation of the first accused in this case, the petitioners are disturbing peaceful possessions and enjoyment of the property by the defacto complainant and her husband. Hence, prayed for dismissal of this petition.

6. Learned Government Advocate (Crl. Side) on instructions submitted that the victim has been discharged from the hospital. He further submitted that investigation is pending in this case and hence, opposed for grant of anticipatory bail to the petitioners.

6. Considering the facts and circumstances of the case and also taking note of the fact that the victim has been discharged from the hospital, **this Court is inclined to grant anticipatory bail to the petitioners.**

7. Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the **Judicial Magistrate No.II, Pollachi subject to the following conditions:**

(i) each of 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 the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the Magistrate concerned;

(ii) the petitioners stay at Madurai shall report before the Inspector of Police, Thallakulam Police Station daily at 10.30 a.m. until further orders.

(iii) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(iv) the petitioners shall not abscond either during investigation or trial.

[v] on breach of any of the aforesaid conditions, the 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 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]**.

02.08.2016

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