

Crl.O.P.No.15225 of 2021

M.DHANDAPANI, J.,

The petitioner, who apprehends arrest for the alleged offence punishable under Sections 294(b), 323, 324, 354 and 506(ii) of IPC in Crime No.515 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and the defacto complainant were having land disputes between them with regard to their respective family shares. In this connection, the petitioner and others have scolded the defacto complainant and assaulted the defacto complainant and his family members with deadly weapons and threatened them with dire consequences. Thereby, the defacto complainant had sustained injuries. Hence, the complaint.

3. The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that

the co-accused were enlarged on bail by the lower court. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submits there was a land dispute between the petitioner and the defacto complainant, the present complaint has been filed. He further submits that the injured has been discharged from the hospital. However, he vehemently opposed for grant of anticipatory bail to these petitioner.

5.Considering the fact that the injured has discharged from the hospital, this court is inclined to grant anticipatory bail to these petitioner.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the **learned Judicial Magistrate, Pallipet** on condition that the petitioner 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 learned Magistrate concerned and on further condition that:

(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter as and when required for interrogation.

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

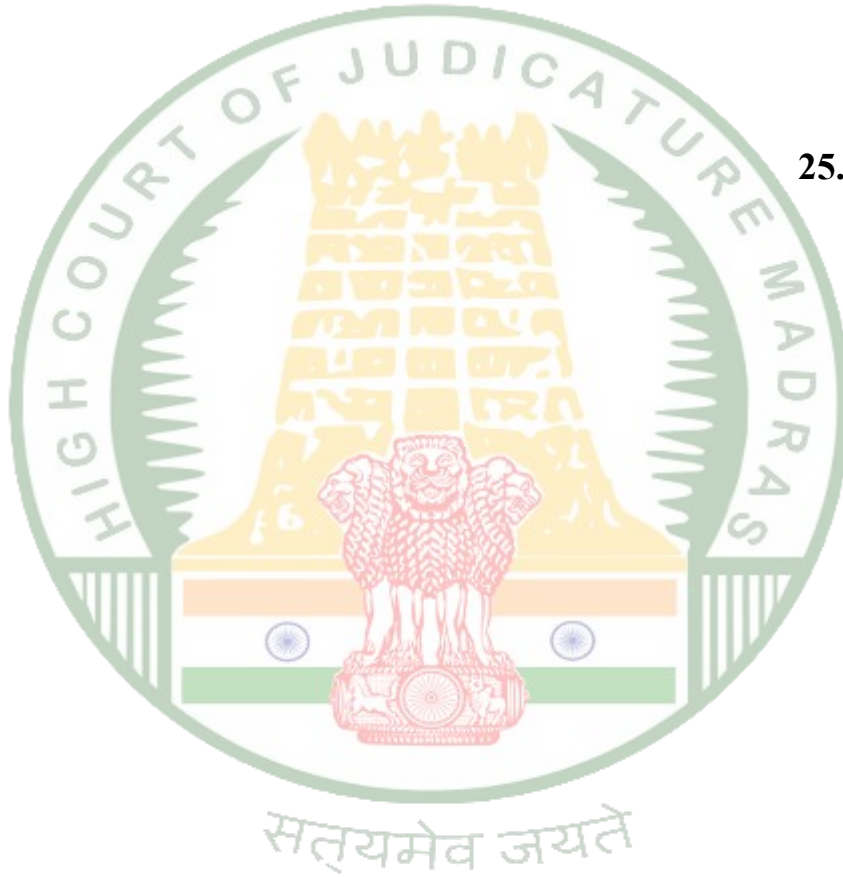
(d) the petitioner shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner 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]***;
and;

(f) if the accused thereafter absconds, a fresh FIR can
be registered under Section 229-A IPC.

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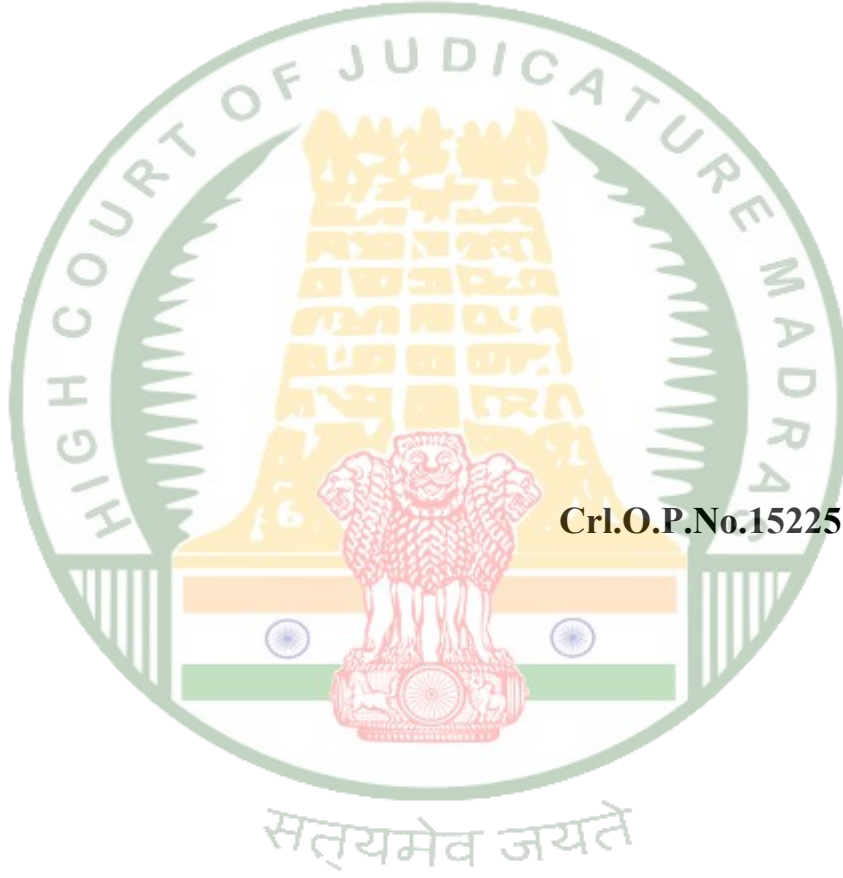


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The matter is listed today under the caption 'for being mentioned' at the instance of the learned counsel appearing for the petitioner.

2.The learned counsel appearing for the petitioner would submit that in the order dated 25.08.2021 made in Crl.O.P.No.15225 of 2021, inadvertently one Section of Law namely, Section 4 of Women Harassment Act has not been incorporated. Accordingly, he prayed for appropriate orders.

3.In view of the above, the first paragraph of the order dated 25.08.2021 made in Crl.O.P.No.15225 of 2021 is to be read as follows:

"The petitioner, who apprehends arrest for the alleged offence punishable under Sections 294(b), 323, 324, 354 and 506(ii) of IPC and Section 4 of Women Harassment Act in Crime No.515 of 2021 on the file of the respondent police, seeks anticipatory

bail."

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4.Registry is directed to carry out the necessary corrections and re-issue copy of the order to the respective learned counsel appearing for the parties.

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