



Crl.O.P.No.5103 of 2022

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Dr.G.JAYACHANDRAN, J.

The petitioners, who apprehend arrest for the alleged offences **under Sections 147, 148, 294(b), 342, 323, 324, 506(ii) of IPC** in Crime No.24 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. On perusal of FIR, this Court finds that, due to property dispute these petitioners have joined together and brutally attacked the defacto complainant and his family members using stones, in which one Kalaimathi, aunty of the defacto complainant lost her tooth and another family member by name Gayathri and Barathi were man-handled after committing the brutal attack on the defacto complainant family members.

3. The learned Government Advocate (Crl. Side) submits that the petitioners 1, 4 and 5 attacked the defacto complainant and his family members with hand and threatened them with dire consequence to their life and warned the defacto complainant that they would kill him. Hence, he opposed for granting anticipatory bail to the petitioners.



3. Considering the allegations against these petitioners, this Court is not inclined to grant anticipatory bail for the petitioners A1, A4 and A5. With respect to other petitioners (A2, A3, A6, A7, A8 and A9) anticipatory bail is granted since there is no serious overt act.

4. Accordingly, the petitioners (A2, A3, A6, A7, A8 and A9) are ordered to be released on bail in the event of arrest or on his appearance, within a period of seven days from the date of receipt of a copy of this order, before the **Learned District Munsif cum Judicial Magistrate Pochampalli** on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 petitioners (A2, A3, A6, A7, A8 and A9) 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;



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(b)the petitioners (A2, A3, A6, A7, A8 and A9) shall not tamper with evidence or witness either during investigation or trial;

(c)the petitioners (A2, A3, A6, A7, A8 and A9) shall report before the Investigating Officer daily at 10.00 until further orders.

(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 has 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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