



WEB COPY



Crl.O.P.No.15638 of 2022

Crl.O.P.No.15638 of 2022

G.K.ILANTHIRAIYAN, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 323, 324, 427 and 506(ii) of IPC in Crime No. 165 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that totally there are seven accused in this case, in which, the petitioners herein are arrayed as A1, A2, A5, A6 and A7. Due to previous enmity, wordy quarrel arose between the petitioners and the defacto complainant with regard to land dispute, in which, the petitioners abused the defacto complainant using filthy language and assaulted the defacto complainant with knife and also kicked with leg and threatened him with dire consequences. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence



CrI.O.P.No.15638 of 2022

as alleged by the prosecution. He further submits that the petitioners filed O.S.No.139 of 2022 against the defacto complainant and two others before the District Munsif Court, Tirupathur. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners assaulted the defacto complainant with knife and caused injury and further the defacto complainant surveyed the land by getting police protection order by the Hon'ble High Court in CrI.OP.No.6623 of 2022 dated 24.03.2022. He would further submit that the injured has been discharged from the hospital. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the above facts and circumstances of the case and also considering that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in



Crl.O.P.No.15638 of 2022

WEB COPY

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 No.II, Thirupathur, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, 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.

[b] the petitioners 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.



WEB COPY



CrI.O.P.No.15638 of 2022

[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 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.

07.07.2022

drl

G.K.ILANTHIRAIYAN, J.

drl



WEB COPY



Crl.O.P.No.15638 of 2022

Crl.O.P.No.15638 of 2022

07.07.2022