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Crl.O.P.No.15767 of 2022

G.K.ILANTHIRAIYAN, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 341, 294(b), 323, 506(2) and 427 of IPC in Crime No. 176 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that, due to land dispute between the petitioner's father and the defacto complainant's husband on 02.06.2022 at about 10.00 a.m., the petitioner's father brutally attacked the defacto complainant's husband and thereby, he has sustained injury. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent person and he has not committed any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that due to previous enmity between the petitioner's father and the defacto complainant's husband, with regard to land dispute, the petitioner

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assaulted the defacto complainant and caused injury. He further submit that the injured has been treated as out patient. Hence, he vehemently opposed for the grant of anticipatory bail to the petitioners.

5. Considering the above facts and circumstances of the case and also considering that the injured has been treated as out patient, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 on which the order copy made ready, before the learned Judicial Magistrate, Thirukazhukundram, Chengalpattu District, 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

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[a] the petitioner 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 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 petitioner 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

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