



WEB COPY



CrI.O.P.No.15764 of 2022

CrI.O.P.No.15764 of 2022

G.K.ILANTHIRAIYAN, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 447, 506(ii) IPC and Section 24 of Maintenance and Welfare of Parents and Senior Citizens Act, in Crime No.202 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that he made a partition of his self acquired property to both sons and he hold extra 30 cents for his survival. After that, his younger son left to his property but elder son with his wife and daughter not given possession of the said 30 cents to the defacto complainant and threatened him and disturbing the basic amenities. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioners are innocent persons and they have been falsely



Crl.O.P.No.15764 of 2022

implicated in this case. He would further submit that the defacto complainant enjoying his major share of around 6 acres of land with the disputed 30 cents, in order to grab the suit property, the present complaint has been lodged against the petitioner. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that there are three accused, who is the defacto complainant's son, daughter-in-law and grand daughter. Due to land dispute, the petitioners threatened the defacto complainant with dire consequences. However, he opposed for grant of anticipatory bail to the petitioners.

5. Taking into consideration the facts and submissions of the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen



Crl.O.P.No.15764 of 2022

days from the date on which the order copy made ready, before the learned Judicial Magistrate No.II, Attur, 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 first petitioner is directed to pay a sum of Rs.5,000/- to the defacto complainant before 5th of every English Calendar month, by way of cash, failing which the respondent is directed to secure the first petitioner alone.

[c] the first petitioner shall report before the respondent police daily at 10.30 a.m until further orders and the second and third petitioners shall report before the respondent police as and when required for interrogation.



Crl.O.P.No.15764 of 2022

WEB COPY

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] 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]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

7. With the above directions, this Criminal Original Petition is ordered.

07.07.2022

drl



WEB COPY



Crl.O.P.No.15764 of 2022

G.K.ILANTHIRAIYAN, J.

drl

Crl.O.P.No.15764 of 2022

07.07.2022