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CrI.O.P.No.15780 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 427 and 506(ii) of IPC in Crime No. 106 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners and the defacto complainant are neighbours. Due to previous enmity, the petitioners had broken up the pipelines instituted by the defacto complainant in the land of the petitioners to carry water to the lands of the defacto complainant and thereby threatened the defacto complainant not to set up the pipelines once again. Further, allegation is that the second petitioner had assaulted the defacto complainant by throwing stone at him and caused injury. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the



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petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submits that they have been falsely implicated in this case and that they are no way connected with the said offence. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that due to previous enmity between them, the petitioners herein assaulted the defacto complainant by throwing stone and used filthy words at him. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the above facts and circumstances of the case, 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 the event of arrest or on their appearance, within a period of fifteen days



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from the date on which the order copy made ready, before the learned Judicial Magistrate, Kodumudi, 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 shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and the second petitioner shall report before the respondent police as and when required for interrogaion.

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

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



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[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

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