



Crl.O.P.No.16313 of 2022

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SATHI KUMAR SUKUMARA KURUP, J.,

The Petitioners, who apprehend arrest at the hands of the Respondent/Police for the offences punishable under Sections 447, 294(b), 323, 324, 427 & 506(2) of IPC, in Crime No.122 of 2022, seek Anticipatory Bail.

2. The case of the prosecution is that on 27.06.2022, the Petitioners picked up a quarrel with the mother of the De-facto Complainant as to why they constructed the house in the pathway to the burial ground through which the dead bodies are taken. On seeing the same, the De-facto Complainant questioned the same during which, the Petitioners are alleged to have attacked the De-facto Complainant and in the process, the De-facto Complainant was injured. Further, they damaged the house and other articles of the De-facto Complainant and by pushing the De-facto Complainant and his mother, taken away the dead body. Hence, based on the complaint given



Crl.O.P.No.16313 of 2022

WEB COPY

by the De-facto Complainant, the case has been registered by the Respondent/Police for the above said offences.

3. The learned Counsel for the Petitioners submits that the Petitioners have been falsely arrayed as accused in Crime No.122 of 2022. It is the contention of the learned Counsel for the Petitioners that even as per the prosecution, the alleged occurrence took place on 27.06.2022. But the complaint has been given only on 28.06.2022. Hence, he seeks to grant of Anticipatory Bail to the petitioners.

4. The learned Government Advocate (Crl.side) appearing for the Respondent/Police submits that there had been a property dispute between the Petitioners and the De-facto Complainant herein. He further requested the Court to direct the Petitioners not enter into the Village or within the jurisdiction of Thulasampatti Police Station, Salem District, for some time.



Crl.O.P.No.16313 of 2022

WEB COPY

5. Considering the offences alleged against the Petitioners, this Court is inclined to grant anticipatory bail to the Petitioners with stringent 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 from the date on which the order copy is made ready, before the learned Judicial Magistrate, Omalur, on condition that the Petitioners shall execute a separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only) with two sureties out of which, one of the sureties shall be a blood relative**, 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 automatically without further reference to Court and on further condition that:

[a] the Petitioners and the sureties shall affix their photographs and Left Thumb Impressions in the surety bond and the Magistrate concerned may obtain a copy of their proof of identity like Aadhar card



Crl.O.P.No.16313 of 2022

WEB COPY

or Voter identity card or driving licence or Bank pass Book.

[b] the Petitioners shall stay at Salem and report before the Inspector of Police, Town Police Station, Salem, daily at 10.30 a.m., for a period of 30 days and thereafter, report before the respondent police as and when required for interrogation. The petitioners shall not enter into the Village or within the jurisdiction of Thulasampatti Police Station, Salem District, during the period of condition imposed by this Court.

[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.

[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.

15.07.2022

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Crl.O.P.No.16313 of 2022

Copy to:

The Inspector of Police/SHO
Town Police Station, Salem.



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Crl.O.P.No.16313 of 2022

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Crl.O.P.No.16313 of 2022

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