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Crl.O.P.No.19521 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), 506(i) and 302 of IPC in Crime No.365 of 2022, seek anticipatory bail.

2. The case of the prosecution is that there was a pathway dispute already existing between the petitioners' family and the defacto complainant's family, due to which, the petitioners along with first accused abused the defacto complainant and his uncle, assaulted his uncle with hand and sustained fatal injuries and subsequently, he succumbed to injuries. Hence, the complaint,

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any such offence as alleged by the prosecution and they have been falsely



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implicated in this case. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) would submit that the petitioners assaulted the defacto complainant's uncle and caused fatal injuries to him, subsequently he succumbed to injuries. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. It is seen that there are totally three accused involved in this case, in which, the petitioners are arrayed as A2 and A3 and they are wives of the first accused. The first accused /A1 was arrested and remanded to judicial custody. There was a wordy quarrel between the first accused and the deceased regarding land dispute. During quarrel, the first accused has attacked the deceased with hands. In so far as the petitioners are concerned, they are wives of the first accused and they have only scolded the deceased in filthy language. Except this allegations, no other specific overt act against these petitioners.



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6. Considering the above fact and circumstances of the case and also considering the submissions made by both counsel, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. 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 made ready, before the ***learned Judicial Magistrate, Gingee, Villupuram District*** on condition that the petitioners shall execute separate bonds 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.



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[b] the petitioners shall report before the respondent police daily at 10.30 a.m. for a period of four weeks and thereafter as and when required for interrogation.

[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 are 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.

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