



Crl.O.P.No.20046 of 2022

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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) of IPC and Section 24 of Maintenance and Welfare of Parents and Senior Citizens Act in Crime No.202 of 2022 seeks anticipatory bail.

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

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that the defacto complainant enjoying his major share around 6 acres of land along with disputed 30 cents, in



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order to grab the property. He would further submit that this is the petitioner's 2nd bail petition, this Court granted anticipatory bail to the petitioner with certain conditions vide order dated 07.07.2022 in Crl.OP.No.15764 of 2022, but, he does not execute the sureties in time and hence, the time to comply with the condition got expired. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) would submit that there are totally 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. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. 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.



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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 made ready, before the ***learned Judicial Magistrate-II, Attur*** 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:

[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 first petitioner is directed to pay a sum of Rs.5,000/- to the defacto complainant before 5th of every English Calender month, by way of cash, failing which, the respondent is directed to secure the first petitioner alone.



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[c] the first petitioner shall report before the respondent police daily at 10.30 a.m., until further orders and 2nd and 3rd petitioners shall report before the respondent police as and when required for interrogation.

[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 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]**.

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

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