



Crl.O.P.No.19813 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), 323, 506(ii) of IPC r/w Section 24 of Maintenance and Welfare of Parents and Senior Citizens Act, 2007, in Crime No.280 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the first petitioner is the son of the defacto complainant and the second petitioner is the daughter-in-law of the defacto complainant. Due to land dispute, the petitioners abused the defacto complainant who is a senior citizen and also attacked her with hands and threatened her with dire consequences and also prevented her from doing agricultural activities in the land of the defacto complainant. It is further alleged that the petitioners failed to take care of the defacto complainant. Hence, the complaint.



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3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Therefore, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) would submit that due to land dispute, the petitioners abused the defacto complainant and attacked her with hands and also prevented her from doing agricultural activities in the land of the defacto complainant. The first petitioner who is the son of the defacto complainant failed to take care of his mother. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the above facts and circumstances, 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 No.II, Attur, on condition that each of the petitioners 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 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 pay a sum of Rs.5000/- (Rupees Five Thousand only) per month, as interim maintenance to the defacto complainant. If there is any violation of the said condition, the respondent Police is directed to secure the first petitioner and proceed in accordance with law.

[c] the first petitioner shall report before the respondent police daily at 10.30 a.m, for a period of two weeks and thereafter as and when required for interrogation. The second petitioner shall report before the respondent police as and when required for interrogation.

[d] the petitioners shall not tamper with evidence or witness either



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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 abscond, a fresh FIR can be registered under Section 229A IPC.

23.08.2022

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