



Crl.O.P.No.22010 of 2022

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A.D.JAGADISH CHANDIRA,J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 324, 341 and 506(i) IPC, in Crime No.159 of 2022, on the file of the respondent, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that while the defacto complainant was working in his agriculture land, the petitioners trespassed into the defacto complainant's agriculture land and abused him in filthy language and assaulted him. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocents and false complaint has been given as against the petitioners. He would further submit that due to previous enmity regarding the complaint lodged by the petitioners against the defacto complainant, a false complaint has been foisted. Hence, he prays for grant of anticipatory bail to the petitioners.

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4. The learned Government Advocate (Crl. Side) would submit that the petitioners are neighbours of the defacto complainant, due to civil dispute arise between them, the petitioners abused the defacto complainant with filthy language and also assaulted him. He would further submit that the petitioners have also lodged counter complaint as against the defacto complainant. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Taking into consideration of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

6. Accordingly, the petitioners are directed to be released on bail in the event of their arrest or on their appearance, within a period of fifteen days from the date on which the order copy is made ready, before the District Munsif cum Judicial Magistrate Court, Uthukuli, Tiruppur District, on condition that each petitioner shall execute a separate bond



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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 report before the respondent police everyday at 10.30 a.m, until further orders and the second petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of one week 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.



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

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