



Crl.O.P.No.22009 of 2022

Crl.O.P.No.22009 of 2022

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), 324 & 506(2) of IPC in Crime No.296 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to pathway dispute, the petitioners assaulted the *de-facto* complainant with knife resulting in the *de-facto* complainant sustaining grievous injuries. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and due to a path way dispute a false complaint has been given. Hence, he pray for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioners assaulted the *de-facto*



Crl.O.P.No.22009 of 2022

complainant with knife on account of path way dispute. He would further submit that the *de-facto* complainant has sustained grievous injuries.

5. learned counsel appearing for the intervenor would submit that the *de-facto* complainant and his wife are senior citizens and the petitioners have assaulted them with knife resulting in both of them sustaining grievous injuries and the *de-facto* complainant right thumb was injured to the extend of total amputation and the injured has been discharged from the hospital.

6. At this juncture, the learned counsel appearing for the petitioners without prejudice to their defence would submit that the petitioners are prepared to jointly pay Rs.20,000/- towards the medical expenses of the *de-facto* complainant.

7. Heard the learned counsels. Taking into consideration the facts and also the nature of the injuries sustained by the *de-facto*



Crl.O.P.No.22009 of 2022

WEB COPY

complainant and his wife, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. It is made clear that since the petitioners have made a deposit of Rs.20,000/- jointly, it may not be amount to admission of guilt by the petitioners.

8. Accordingly, the petitioners shall jointly deposit an sum of Rs.20,000/- (Rupees Twenty Thousand Only) to the credit of the Crime No.296 of 2022 and on such deposit, 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, Paramathi, Namakkal District on condition that the each of the petitioners shall execute a separate bond for a sum of Rs.25,000/- (Rupees Twenty Five 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:



Crl.O.P.No.22009 of 2022

WEB COPY

[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 petitioners shall deposit an sum of Rs.20,000/- (Rupees Twenty Thousand Only) jointly to the credit of the Crime No.296 of 2022 and on the production of necessary proof by the *de-facto* complainant, the trial Court shall release the same in the favour of the *de-facto* complainant. It is made clear that just because the amount is paid by the petitioners, it would not amount to admission of guilt by the petitioners.

[c] the petitioners shall stay at Madurai and report before the Inspector of police, Tallakulam Police Station everyday at 10.30 a.m. for a period of two weeks and thereafter report before the respondent police on every Saturday at 10.30 a.m., until further orders.

[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.



Crl.O.P.No.22009 of 2022

[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]**.

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

20.09.2022

mpl



WEB COPY



Crl.O.P.No.22009 of 2022

A.D.JAGADISH CHANDIRA, J.

mpl

Crl.O.P.No.22009 of 2022

20.09.2022