



Crl.O.P.No.22454 of 2022

Crl.O.P.No.22454 of 2022

A.D.JAGADISH CHANDIRA, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 341, 294(b), 324, 307 and 506(ii) I.P.C. in Crime No.186 of 2022, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Kalimuthu is that the petitioners are his relatives and that due to enmity on account of property dispute, the petitioners along with other accused have assaulted him with knife and stones, resulting in him sustaining injuries. Hence the complaint.

3.Learned counsel appearing for the petitioners would submit that the A2 is the brother of the defacto complainant. He submitted that due to prior enmity on account of property dispute, a false complaint has been launched against the petitioners. He added that the main accused against whom there are serious allegations, have been enlarged on bail by this Court vide its order dated 29.09.2022 in Crl.O.P.No.23451 of 2022. The petitioners have got no previous cases against them and the victim



Crl.O.P.No.22454 of 2022

has also been discharged from the hospital. Hence, he prays for grant of bail to the petitioners.

4.Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioners and the defacto complainant are relatives and on account of property dispute, the petitioners have assaulted the defacto complainant with knife and stones, resulting in him sustaining injuries. He would further submit that the injured has been discharged from the hospital and there are no previous cases as against the petitioners. However, he vehemently opposed to grant bail to the petitioners.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) and perused the materials available on record.

6. Taking into consideration the fact and the submissions made by the learned counsel, this Court is inclined to grant bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail



Crl.O.P.No.22454 of 2022

WEB COPY

in the event of their arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the District Munsif Court Cum Judicial Magistrate Court, Madathukulam, on condition that 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:

[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 petitioner shall report before the respondent Police daily at 10.30 a.m., until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;

A.D.JAGADISH CHANDIRA, J.



WEB COPY



Crl.O.P.No.22454 of 2022

kas

[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 petitioner 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 F.I.R can be registered under Section 229A IPC;

12.10.2022

kas

Crl.O.P.No.22454 of 2022