



Crl.O.P.No.22125 of 2022

A.D. JAGADISH CHANDIRA, J.,

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The petitioners, who apprehends arrest for the alleged offences under Sections 294(b), 323 and 506(i) IPC in Crime No.172 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that due to pathway dispute the petitioners and other accused persons abused, intimidated and attacked the defacto complainant. Hence, the complaint.

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. He would further submit that a false case has been foisted against them. He would also submit that a counter case was also filed by the petitioners in this regard in Crime No.174 of 2022. Therefore, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.side) would submit that due to pathway dispute there was a wordy quarrel between them and thereafter, the petitioners abused, intimidated and attacked the defacto complainant. He would also submit that a counter case was also filed by the petitioners in this regard in Crime No.173 of 2022. However, he opposed for grant of anticipatory bail to the



petitioners.

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5. Taking into consideration the facts and circumstances of the case and the submissions made by the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioners subject to the following 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 (15) days from the date on which the copy of the order is made ready, before the Judicial Magistrate, Madathukulam, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 petitioners shall report before the respondent Police daily at 10.30am for a period of two weeks 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.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner 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 abscond, a fresh FIR can be registered under Section 229A IPC.

With the above directions, this Criminal Original Petition is ordered.

14.09.2022

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