



Crl.O.P.No.22169 of 2022

Crl.O.P.No.22169 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 147,148,447,427,324,294(b) & 506(ii) of IPC, in Crime No. 252 of 2022, seek anticipatory bail.

2. The case of the prosecution is that due to property dispute, the petitioners along with the other accused had trespassed into the land of the defacto complainant and when the same was questioned by the defacto complainant, the petitioners had intimidated and assaulted the defacto complainant. Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that in fact the defacto complainant and her son had brutally assaulted the second petitioner, due to which, he had sustained injuries. Immediately, the petitioners had given a complaint before the respondent police and with regard to the same, the respondent



Crl.O.P.No.22169 of 2022

had issued a CSR No.193 of 2022 against the defacto complainant.

Hence, he seeks for anticipatory bail.

4. The learned Government Advocate (crl.side) would submit that the petitioners and the defacto complainant are relatives. Due to property dispute, the petitioners had assaulted the defacto complainant and also abused her with filthy languages. He would further submit that civil suits are also pending between the parties and based on the complaint given by the petitioners as well as the defacto complainant, enquiry has been conducted and both the CSRs were closed. Further, pursuant to the order of the learned Judicial Magistrate, Additional Mahila Court, Dharmapuri, the present case has been registered against the petitioners. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Taking into consideration of the fact of the case and submissions made by the learned counsel, this Court is inclined to grant anticipatory bail with certain conditions.



Crl.O.P.No.22169 of 2022

WEB COPY

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 from the date on which the order copy made ready, before the **learned Additional Mahila, Dharmapuri** on condition that the petitioners shall execute a 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 petitioners except A2 shall report before the respondent police **every day at 10.30 am for a period of one week and thereafter, as and when required for interrogation** and the second petitioner/A2 shall report before the respondent police **every Saturday at 10.30 am for a period of one week and thereafter as and when required for interrogation.**



WEB COPY



Crl.O.P.No.22169 of 2022

A.D.JAGADISH CHANDIRA,J

shk

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

14.09.2022

Shk

Crl.O.P.No.22169 of 2022