



Crl.O.P.No.22659 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), 441, 324 and 506(ii) of IPC in Crime No.172 of 2022, seek anticipatory bail.

2. The case of the prosecution is that due to path way dispute, the petitioners abused the defacto complainant with filthy language and also assaulted him with wooden log and hands. Hence the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and there was a civil dispute pending between both the families in O.S.No.100 of 2015 on the file of the Principal District Munsif Court, Nagapattinam. Due to which, a false complaint has been foisted against them. Hence, he seeks for anticipatory bail.



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4.The learned Government Advocate (Crl. Side) appearing for the respondent Police would submit that due to path way dispute, the petitioners abused the defacto complainant with filthy language and assaulted with wooden log. He would further submit that the third petitioner has been arrested on 16.09.2022 and still in custody. Thereby, he vehemently opposed to grant anticipatory bail to the petitioners.

5.Taking into consideration of the fact that A3 has been arrested on 16.09.2022, the petition in respect of A3 is dismissed as infructuous. As far as the petitioners 1 and 2 are concerned, this Court is inclined to grant anticipatory bail with certain conditions.

6.Accordingly, the petitioners 1 and 2 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, Thiruthuraipoondi on condition that the petitioners 1 and 2 shall execute 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



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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 1 and 2 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 1 and 2 shall report before the respondent police daily at 10.30 a.m., until further orders;

[c] the petitioners 1 and 2 shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners 1 and 2 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 1 and 2 in accordance with law as if the conditions have been imposed and the petitioners 1 and 2 released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme



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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;

19.09.2022

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