



Crl.O.P.No.23113 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 offence punishable under Sections 147, 148, 294(b), 323, 324, 354 and 506(ii) of IPC in Crime No.439 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the petitioners and the defacto complainant are neighbours. On account of disposal of drainage water, there was a wordy quarrel and during the quarrel, the petitioners have abused the defacto complainant with filthy language and also assaulted her. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners and the defacto complainant are neighbours and due to previous enmity, a false complaint has been foisted against them. He would further submit that infact the defacto complainant and her family members have assaulted the petitioners and based on the complaint given



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by the petitioners, a case in Crime No.440 of 2022 has been registered against the defacto complainant. Hence, he prays for grant of bail to the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that due to enmity on account of the disposal of drainage water, the petitioners have abused the defacto complainant with filthy language and also assaulted her. He would further submit that no one has been arrested in this case and it is a counter case. Thereby, he vehemently opposed for grant of anticipatory bail to the petitioners.

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

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on them appearance, within a period of fifteen days from the date on which the order copy made ready, before



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the learned Judicial Magistrate No.I, Ulundhurpet, Kallakurichi District on condition that each of the petitioners 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 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 10.30 a.m., for a period of three 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;



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[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;

23.09.2022

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