



Crl.O.P.No.23774 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 alleged offence punishable under Sections 147, 148, 448, 294(b), 324, 307, 506(ii) I.P.C, in Crime No.488 of 2022, on the file of the respondent police, seek bail.

2.The case of the prosecution is that due to the dispute with regard to the construction of Thogupu Veedu (house), the petitioners along with other accused trespassed into the house of the defacto complainant, had abused him in filthy language and assaulted the defacto complainant and his relatives with wooden log, caused bleeding injuries and threatened them with dire consequences. Hence, the complaint.

3.Learned counsel appearing for the petitioners would submit that the petitioners are innocent and due to the dispute with regard to construction of house, a false complaint has been lodged against the petitioners. He would further submit that the main accused in this case has



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been granted bail by this Court in Crl.O.P.No.21977 of 2022 dated 22.09.2022 and co-accused in this case has been granted anticipatory bail by this Court on 23.09.2022 in Crl.O.P.No.23090 of 2022. Accordingly, he prays for grant of anticipatory bail to the petitioners.

4.Learned Government Advocate (Crl.side) submitted that due to previous enmity, the petitioners along with other accused trespassed into the house of the defacto complainant, abused him in filthy language and assaulted the defacto complainant and his relatives with wooden log and caused injuries. He would further submit that the injured has been discharged from the hospital and there is no previous case against the petitioners. However, he opposed to grant anticipatory bail to the petitioner.

5.Taking note of the facts and circumstances and also taking note of the fact that the injured has been discharged from the hospital and there are no previous cases pending against the petitioners, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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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 District Munsif cum Judicial Magistrate Court, Valangaiman, on condition that the petitioner 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 petitioners shall stay at Chennai and report before the Inspector of Police, North Beach Police Station, every day at 10.30 a.m. until further orders.

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[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]; and;

[f] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

14.10.2022

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