



Crl.O.P.No.24232 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), 323, 447 & 506(i) of IPC and Section 4 of TNPHW Act, in Crime No.348 of 2021 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to a dispute with regard to planting of trees, the petitioners abused the defacto complainant in filthy language and attacked her. Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioners were granted anticipatory bail by this Court in Crl.O.P.No.13037 of 2022 vide Order dated 01.06.2022, however they were unable to furnish the sureties due to illness and thereby, the earlier Order has got lapsed and the present anticipatory bail has been filed.

4. The learned Government Advocate (Crl.side) appearing for the



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respondent would submit that it is a dispute between the neighbours , where the petitioners herein have assaulted the defacto complainant using hands. He would further submit that the petitioners were granted anticipatory bail by this Court in Crl.O.P.No.13037 of 2022 vide Order dated 01.06.2022, however they failed to execute the sureties. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

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

6. Accordingly, each of the petitioners shall pay a sum of Rs.2000/- (Rupees Two Thousand only) as cost to the **District Legal Services Authority, Tiruppur** and on such payment, 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 **Judicial Magistrate No.IV, Tiruppur**, on condition that each of the petitioners shall execute a separate bond for a sum of



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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 each of the petitioners shall pay a sum of Rs.2,000/- (Rupees Two Thousand only) as cost to the **District Legal Services Authority, Tiruppur** and the acknowledgment for the same shall be produced before the learned Magistrate concerned at the time of execution of bond.

[c] the petitioner shall report before the respondent police everyday at 10.00 a.m., for a period of 15 days and thereafter, as and when required for interrogation.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.



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[e] the petitioner shall not abscond either during investigation or trial.

[f] 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]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

12.10.2022

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