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Crl.O.P.No.24050 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b) and 323 of IPC read with Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.137 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that due to property dispute, the family members of two brothers have fought and sustained injuries. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner was granted anticipatory bail by this Court in Crl.O.P.No.9795 of 2022 vide Order dated 28.04.2022, however he was unable to furnish the sureties and thereby, the earlier Order has got lapsed and the present anticipatory bail has been filed.



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4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that due to property dispute, the family members of two brothers have fought and sustained injuries. He would further submit that the petitioner was granted anticipatory bail by this Court in Crl.O.P.No.9795 of 2022 vide Order dated 28.04.2022, however he failed to execute the sureties. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

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 petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned District Munsif Cum Judicial Magistrate, Thirukazhukundram**, on condition that the petitioner shall execute a 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 petitioner 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 petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

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

[d] the petitioner 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 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]**.

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

13.10.2022

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