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CrI.O.P.No. 24077 of 2022

A.D.JAGADISH CHANDIRA, J.

The petitioners/A1 to A4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 355, 324 and 506(ii) of IPC in Crime No.171 of 2022, seek anticipatory bail.

2. The case of the prosecution is that due to a civil dispute between the petitioners and the de-facto complainant, the petitioners assaulted the de-facto complainant and his family members with a stone, rod and a wooden stick and also they have threatened the de-facto complainant with dire consequences. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that there was a property dispute between the petitioners and the de-facto complainant, the de-facto complainant had given a false complaint against the petitioners. He would further submit that the complaint is only a counter blast, a false complaint has been given against the petitioners and hence, he prays for grant of anticipatory bail to the petitioners.



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4. The learned Government Advocate (Criminal Side) would submit that it is a case in counter. He would further submit that due to the property dispute between the petitioners and the de-facto complainant, the petitioners had assaulted the de-facto complainant and his family members with a stone, rod and a wooden stick and some family members have injured and they have threatened the de-facto complainant along with his family members with dire consequences. Therefore, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. 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 **learned Judicial Magistrate, Paramathi** on condition that the petitioners shall execute a 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 his Aadhar card or Bank pass Book to ensure their identity.



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[b] the petitioners shall report before the respondent police every day at 10.30 a.m. for a period of four weeks and thereafter, every Saturday at 10.30 a.m. until further orders.

[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]**.

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

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