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Crl.O.P.No.24205 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 147, 148, 341, 342, 447, 294(b), 323, 324 and 506(ii) of IPC, in Crime No.230 of 2022, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Selvam is that the accused prevented him and others from burying their relative in a burial ground and also assaulted them. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and that there is dispute between the villagers of the defacto complainant and the petitioners. He would also submit that the defacto complainant already attempted to encroach a patta land belonging to the petitioners, thereafter, a false complaint has



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been given as against the petitioners. Therefore, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioners prevented the defacto complainant and others from burying their relative in the burial ground and also they have assaulted the defacto complainant and others. Therefore, he vehemently opposed to grant anticipatory bail to the petitioners.

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

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



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the learned Judicial Magistrate, Pappireddipatti, Dharmapuri District, on condition that the petitioners 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 report before the respondent Police, daily 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



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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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