



Crl.O.P.No.24500 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 4(3), 7(1)(b), 7(1)(c), 10 of Protection of Civil Rights Act, 1955 and 323, 341, 506(1) and 34 of I.P.C , in Crime No. 74 of 2021, seek anticipatory bail.

2. The case of the prosecution is that, the defacto complainant's aunt one Anjali passed away and that the village panchayat people had prevented other persons from helping the family of the defacto complainant to perform final rites. Further allegation is that, the petitioners had excommunicated the defacto complainant from the village. When the complaint was made to the Revenue Authorities, the petitioners have threatened the defacto complainant and the Revenue Authorities with dire consequences. Hence the case.

3. The learned counsel for the petitioner would submit that the petitioners are innocent persons and due to previous enmity, false complaint has been lodged. He would further submit that, on a complaint



given by the second petitioner, a case was registered against the defacto complainant in Crime No. 73 of 2021 for the offence under Sections 147, 148, 294(b) 324 and 506(1) of IPC and as a retaliation, present complaint has been lodged. He would further submit that, petitioners are affected persons. Hence, he seeks for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) would submit that, due to previous enmity, the petitioners had excommunicated the defacto complainant's family members and also prevented them from getting help from other peoples for performing the final rites. He would further submit that investigation in both the case has been completed and charge sheet has also been filed in C.C.No.60 of 2022 on the file of the learned Judicial Magistrate, Vandavasi. However, he opposed for grant of anticipatory bail to the petitioners.

5. Taking into consideration of the facts and circumstances of the case and also considering that counter case has been registered against the defacto complainant in Crime No. 73 of 2021, this Court is inclined to grant anticipatory bail to the petitioners with certain 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 the **learned Judicial Magistrate, Vandavasi** on condition that the petitioners shall execute 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 learned Judicial Magistrate, Vandavasi daily at 10.30.a.m., for a period of two weeks and thereafter on the dates fixed by the learned Judicial Magistrate.

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



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[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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