



Crl.O.P.No.24407 of 2022

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WEB C SATHI KUMAR SUKUMARA KURUP, J.

The Petitioners, who apprehend arrest at the hands of the Respondent Police for the offences punishable under Sections 294(b), 324 and 506(2) of IPC, in Crime No.302 of 2022, seek anticipatory bail.

2. The case of the prosecution is that, due to family dispute, with regard to thatched house between the Petitioners and the Defacto Complainant, the Petitioners abused the Defacto Complainant in filthy words and assaulted him with stones and also criminally intimidated him. Hence, the complaint.

3. The learned counsel appearing for the Petitioners submitted that the Petitioners are innocent person and a false complaint has been foisted against them. He would further submit that a counter FIR also filed in Crime No.302 of 2022 against the Defacto complainant. He further submit that the Petitioners are living in the said thatched house for the past 25 years and the 1st Petitioner also filed permanent injunction before the District Munsif at Attur in O.S.No.1 of 2019 and the same is pending. Hence, he prays to grant anticipatory bail to the Petitioners.



4. The learned Government Advocate (Crl.Side) submitted that, due to family dispute with regard to thatched house, the Petitioners assaulted the defacto complainant with stones. He further submit that the investigation is still pending. Hence, he oppose for the grant of anticipatory bail to the Petitioners.

5. Considering the facts and circumstances of the case and also the fact that there is no previous case pending against the Petitioners, 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 by the Respondent Police or the Police Officer, who intends to arrest or on the Petitioner surrenders before the learned Judicial Magistrate No.I, Attur, within a period of fifteen days from the date of receipt of a copy of this order, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties for a like sum/amount to the satisfaction of the learned Judicial Magistrate No.I, Attur. Further, one of the sureties shall be a blood relative.



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(a) the sureties shall affix their photographs and left thumb impression in the surety bond. The Police Officer who intends to arrest or the learned Judicial Magistrate before whom the Petitioner surrenders and the sureties execute bond shall obtain a copy of their Identity Card, Aadhar Card, or Voter Identity Card or Driving Licence or PAN Card or Bank Passbook with Photo affixed and attested by the Bank Manager as proof of Identity.

(b) the Petitioners shall report before the Respondent Police daily at 10.00 a.m., until further orders.

(c) the Petitioners shall not influence, threaten or coerce the 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 Investigation Officer shall exercise the discretion to cancel the bail by approaching the Court of the learned Judicial Magistrate/Trial Court.

(f) the learned Judicial Magistrate/Trial Court shall on application for cancellation of bail bond by the Investigation Officer shall pass appropriate



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orders as though bail granted by the learned Judicial Magistrate/Trial Judge himself/herself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;

(g) if the Accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

06.10.2022

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