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Crl.O.P.No.24507 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, 294(b), 326 and 506(ii) of IPC @ 147, 148, 341, 294(b), 326, 506(ii) and 307 of IPC in Crime No.105 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to dispute and enmity on account of allotment of panchayat lands, on 03.09.2022, the accused had waylaid the *de-facto* complainant and assaulted him indiscriminately. Due to which, he sustained injuries on the face, left palm and further allegation is that the accused had threatened the *de-facto* complainant. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and that a case of quarrel has been blown out of proportion. He would further submit that the *de-facto* complainant is the



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former head-men of the village. There was dispute between the family of the petitioners and the *de-facto* complainant in respect of allotment of Tsunami lands. He would further that the *de-facto* complainant himself using his position had allotted the Tsunami land to his own sister and when it was questioned, there was a quarrel and that he had given a false complaint. He would further submit that on the complaint given by the petitioner's mother one Sundari, a case in Crime No.296 of 2020 has been registered as against the *de-facto* complainant. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that due to dispute regarding allotment of Tsunami lands, the petitioners have assaulted the *de-facto* complainant resulting him in sustaining injuries. The injured has been discharged from the hospital. He would further submit that as far as the 1st petitioner is concerned, he has got 3 previous cases pending against him. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.



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5. Heard the learned counsel. Taking into consideration the facts and the submissions and also finding that there are counter case pending against the parties, this Court is inclined to grant anticipatory bail to the 2nd & 3rd petitioners alone with certain conditions. In so far as the 1st petitioner is concerned, since he has got 3 previous cases, this Court is not inclined to grant anticipatory bail to the 1st petitioner.

6. Accordingly, as far as the 1st petitioner is concerned, this petition is dismissed and as far as the 2nd & 3rd petitioners are concerned, the 2nd & 3rd 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 **District Munsif – Cum - Judicial Magistrate Court, Tharangambadi**, on condition that each of 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



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shall stand dismissed and on further condition that:

[a] the 2nd & 3rd 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 2nd & 3rd petitioners shall report before the respondent police everyday at 10.30 a.m., until further orders.

[c] the 2nd & 3rd petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the 2nd & 3rd 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 2nd & 3rd petitioners in accordance with law as if the conditions have been imposed and the 2nd & 3rd 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]**.



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

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