



CrI.OP.No.24461 of 2022

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**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), 323, 324 and 506(ii) of IPC, in Crime No.234 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that there was a civil dispute between the petitioners and the defacto complainant with regard to the pathway rights, due to which ,the Petitioners are said to have attacked the Defacto Complainant with hands and wooden log and thereby caused grievous injuries to him. Hence, the case.

3. The Learned Counsel for the Petitioners submitted that the Petitioners are innocent persons and they did not commit any offence as alleged by the prosecution. Hence, he prays for grant of bail to the Petitioners.



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4. The learned Government Advocate (CrI.Side) submitted that it is a case and case in counter and the injured Victim has been discharged from the Hospital. However, he vehemently opposed for granting bail to the Petitioners.

5. Considering the submissions made by the Learned Counsel for the Petitioners and the objections made by the Learned Government Advocate (CrI.Side), this Court is inclined to grant bail to the Petitioners with the following conditions.

6. Accordingly, the Petitioners are ordered to be released on bail on executing their bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the **Learned Judicial Magistrate, Dharapuram**. Further, one of the sureties shall be a blood relative.

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Judicial Magistrate shall obtain a copy of their Identity Card, Aadhar Card, or Voter Identity Card or Driving Licence or PAN Card



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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 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**

gv/drl



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