



Crl.O.P.No.24523 of 2022

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SATHI KUMAR SUKUMARA KURUP., J.

The petitioners, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 294(a), 509, 354(A), 506(ii) of IPC, in Crime No.198 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant doing a spiritual work as well as a social work. He averred in the complaint that the accused had encroached pathway of 10 feet and constructed a staircase. Hence the complaint.

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

4. The learned Government Advocate (Crl.Side) submitted that there is previous enmity, A1 and A2 are husband and wife. However, he vehemently opposed to grant anticipatory bail to the petitioner.



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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 petitioners surrenders before the learned **Judicial Magistrate No.1, Mettur, Salem District**, 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)** with two sureties for a like sum/amount to the satisfaction of the **learned Judicial Magistrate No.1, Mettur, Salem District**. 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. The Police Officer who intends to arrest or the learned Judicial Magistrate before whom the petitioners surrenders and



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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 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.

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