



Crl.O.P.No.24943 of 2022

Crl.O.P.No.24943 of 2022

WEB COPY

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, 294(b), 436 and 506(ii) of IPC in Crime No.305 of 2022, seek anticipatory bail.

2. The case of the prosecution is that due to land dispute, the petitioners have abused the defacto complainant with filthy language and also attacked her with wooden log and also set fire to the house of the defacto complainant. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners and the defacto complainant are relatives. Due to land dispute, a false case has been foisted against them. On the complaint given by the first petitioner, a case in Crime No.304 of 2022 has been registered by the respondent Police against the defacto complainant and her family members. Hence, he prays for grant of anticipatory bail to the petitioners.



Crl.O.P.No.24943 of 2022

WEB COPY

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that due to land dispute, the petitioners have abused the defacto complainant in filthy language and also assaulted her with wooden log and also set fire to the house of the defacto complainant. He would further submit that there was no previous case pending against them and the injured has been discharged from the hospital. However, he opposed for grant of anticipatory bail to the petitioners.

5.Taking into consideration the facts of the case and the submissions made by the learned Counsel and also of the fact that the injured has been discharged from the hospital, 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 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 No.II, Salem on condition that each of the



Crl.O.P.No.24943 of 2022

WEB COPY

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 respondent police daily at 10.30 a.m., for a period of four weeks and thereafter, every Saturday at 10.30 a.m., until further orders.

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

[d] the petitioners shall not abscond either during investigation or trial;



WEB COPY



CrI.O.P.No.24943 of 2022

[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;

14.10.2022

vkrr

A.D.JAGADISH CHANDIRA, J.

vkrr



WEB COPY



Crl.O.P.No.24943 of 2022

Crl.O.P.No.24943 of 2022

14.10.2022