



Crl.O.P.No.25591 of 2022

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WEB CO **A.D.JAGADISH CHANDIRA, J.**

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 148, 447, 427, 323 & 506(ii) IPC in Crime No.864 of 2022, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that while the defacto complainant's son in law along with the workers were indulged in cleaning works at the property, which was owned by the defacto complainant, the petitioners, who are said to be the family members of the defacto complaint trespassed into the above property and assaulted the son in law of the defacto complainant and damaged the fence. Hence, the complaint.

3. The learned counsel for the petitioners would submit that they are innocent persons and they have been falsely implicated in this case. He would further submit that the petitioners and the defacto complainant are family members and there was a civil dispute between them, due to which the petitioners had a scuffle with the son in law of the



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defacto complainant. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (CrI.Side) would submit that there was a civil dispute between the petitioners and the defacto complainant, due to which the petitioners assaulted the son in law of the defacto complainant. Hence, he opposed to grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain 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, Ponneri on condition that 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



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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 on 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.

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

19.10.2022

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