



Crl.O.P.No.26237 of 2022

WEB COPY

Crl.O.P.No.26237 of 2022

A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 427, 324, 354 and 506(ii) IPC in Crime No.457 of 2022, seek anticipatory bail.

2. The case of the prosecution is that on account of property dispute, the petitioners assaulted the defacto complainant also caused damage to the wind shield of the JCB. Hence, the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would also submit that there is a counter case registered as against the defacto complainant, in which his party are the aggressors. He would further submit that in fact, the first and second petitioners were injured in the said incident and they are taking treatment in the hospital. However, the petitioners, without prejudice to their rights,



Crl.O.P.No.26237 of 2022

WEB COPY

have jointly prepared to deposit a sum of Rs.10,000/- to the credit of crime No.457 of 2022. Therefore, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) would submit that the petitioners and the defacto complainant are relatives. Due to a land dispute, there arose a quarrel between them, during which the petitioner have assaulted the defacto complainant and also damaged the wind shield of the JCB. He would further submit that it is a case and a case in counter. However, he opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also considering the undertaking of the petitioners that they are jointly prepared to deposit a sum of Rs.10,000/- to the credit of crime number, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



Crl.O.P.No.26237 of 2022

WEB COPY

6. Accordingly, the petitioners are directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Crime No.457 of 2022, within a period of two weeks from the date on which the order copy made ready, and on such deposit the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate, Omalur 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 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 deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Crime No.457 of 2022, within a period of two weeks from the date of receipt of a copy of this order.



Crl.O.P.No.26237 of 2022

WEB COPY

[c] the final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of trial.

[d] the petitioners 1 and 2 shall appear before the respondent police daily as and when required for interrogation and the petitioners 3 and 4 shall report before the respondent police everyday at 10.30 a.m., for a period of one week and thereafter as and when required for interrogation.

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[f] the petitioners shall not abscond either during investigation or trial.

[g] 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]**.

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

28.10.2022

Anu



WEB COPY



Crl.O.P.No.26237 of 2022

A.D.JAGADISH CHANDIRA, J.

Anu

Crl.O.P.No.26237 of 2022

28.10.2022