



Crl.O.P.No25876 and 25912 of 2021

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Crl.O.P.Nos.25876 and 25912 of 2021

G.K.ILANTHIRAIYAN, J.

Crl.OP.No.25876 of 2021

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 323, 324, 427, 307 of IPC in Crime No.643 of 2021, seek anticipatory bail.

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The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 324 and 307 of IPC in Crime No.642 of 2021, seek anticipatory bail.

2. The case of the prosecution is that there was a land dispute between the petitioners and the defacto complainant regarding ancestral property, due to which, exchange of blows with either side and both of them sustained injuries. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the



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petitioners are innocent persons and they have not committed any such offence as alleged by the prosecution and they have been falsely implicated in this case. He would further submit that it is a case and case in counter. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) would submit that in an earlier occasion, this Court referred these matters to Mediation for amicable settlement on 29.12.2021, but the mediation process was failed and referred back to Regular Court. He would further submit that now the injured persons have been discharged from the hospital. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the above fact and circumstances of the case and also considering the fact that the injured persons have been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



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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, Palacode, Dharamapuri District*** on condition that the petitioners shall execute separate bonds 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 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 two weeks and thereafter as and when required for interrogation.

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



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

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