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Crl.O.P.No.26505 of 2022

A.D.JAGADISH CHANDIRA, J.

The petitioner who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 324 and 506(ii) of IPC and Section 4 of TNPHW Act 2002 in Crime No.360 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the the petitioner and the other accused and the defacto complainant are neighbours, due to pathway dispute between A4 and the defacto complainant a wordy quarrel arose between the parties. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that it is a case and case in counter. A1 and A2 were granted anticipatory bail by the trial Court. Hence, he prays to grant anticipatory bail to the petitioner.

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4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that due to pathway dispute between the defacto complainant and the A4 a wordy quarrel arose between the parties. The petitioners along with other accused abused and attacked the defacto complainant. He would further submit that it is a case and case in counter. He would further submit that the investigation is pending. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.II, Walajapet, on condition that the each of the petitioners shall execute a separate bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends

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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 petitioner 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 petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders.

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

[d] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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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