



Crl.O.P.No.26629 of 2022

Crl.O.P.No.26629 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 and 506(ii) of IPC in Crime No.302 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the first petitioner and the defacto complainant are brothers. Due to civil dispute, the petitioners have joined together went to the defacto complainant's land and damaged the wall of her house, abused her in filthy language and also assaulted her with hands. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the first petitioner and the defacto complainant are brothers and due to previous enmity, a false complaint has been given against them. He would further submit that it is a case and case in counter. Hence, he prays to grant anticipatory bail to the petitioners.



Crl.O.P.No.26629 of 2022

WEB COPY

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the first petitioner and the defacto complainant are brothers and due to civil dispute, the petitioners have joined together went to the defacto complainant's land and damaged the wall of her house, abused her in filthy language and also assaulted her with hands. He would further submit that no one has been injured in this case. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Heard the learned counsel. Taking into consideration the facts and circumstances of the case and also of the fact that no one has been injured in this 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



Crl.O.P.No.26629 of 2022

learned Judicial Magistrate No.II, Attur on condition that the each of the 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 everyday 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.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate



WEB COPY



Crl.O.P.No.26629 of 2022

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.

03.11.2022

vkr



WEB COPY



Crl.O.P.No.26629 of 2022

A.D.JAGADISH CHANDIRA, J.

vkf

Crl.O.P.No.26629 of 2022

03.11.2022