



Crl.O.P.No.26646 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 323, 324, 341 and 506(ii) of IPC in Crime No.144 of 2022, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Kuzhandhaisamy is that during a quarrel, the accused have abused him in filthy language and also assaulted him with wooden log, resulting in him sustaining a fracture on the right hand and he was admitted in the hospital as in-patient. Hence the complaint.

3.The learned counsel for the petitioners would submit that the first petitioner and the defacto complainant are brothers and the incident has happened during a quarrel in respect of the land dispute. He would submit that without prejudice, the first petitioner being elder brother of the defacto complainant is ready and willing to deposit a sum of Rs.25,000/- to the credit of Crime No.144 of 2022 towards medical expenses and he has no objection in the amount being handed over to the



Crl.O.P.No.26646 of 2022

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

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 quarrel in respect of property dispute, the petitioners have abused him in filthy language and also assaulted him with hands and wooden log, resulting in him sustaining injuries. He would further submit that the injured is still in hospital and hence, he opposed for grant anticipatory bail to the petitioners.

5.Mr.M.Jaisingh, learned counsel appearing for the defacto complainant would submit that due to the fracture on the right hand, the defacto complainant is still taking treatment in the hospital. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

6.Taking into consideration the facts of the case and the submissions made by the learned counsel and also of the fact that without prejudice, the first petitioner being elder brother of the defacto



Crl.O.P.No.26646 of 2022

complainant is ready and willing to deposit a sum of Rs.25,000/- to the credit of Crime No.144 of 2022 towards medical expenses, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the first petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) as non-refundable deposit to the credit of Crime No.144 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, within a period of fifteen days from the date on which the order copy made ready, before the learned District Munsif cum Judicial Magistrate, Pennagaram, on condition that 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



Crl.O.P.No.26646 of 2022

WEB COPY

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 first petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five thousand only) to the credit of Crime No.144 of 2022, before the concerned Magistrate, within a period of two weeks from the date on which the order copy made ready and the learned trial Judge shall disburse the amount to the defacto complainant/victim towards medical expenses;

[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.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioners shall not abscond either during investigation or trial;



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CrI.O.P.No.26646 of 2022

[f] 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]**;

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC;

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Crl.O.P.No.26646 of 2022

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Crl.O.P.No.26646 of 2022

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