



Crl.O.P.No.26773 of 2022

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A.D.JAGADISH CHANDIRA.J.

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The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 109, 294(b), 324 and 506(ii) of IPC in Crime No.205 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner is none other than the younger brother of the defacto complainant and due to property dispute, the petitioners have abused him in filthy language, assaulted him with iron rod and also threatened him. Hence the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and due to previous enmity, a false complaint has been given against them. He would further submit that they have nothing to do with the alleged offence. Hence, he seeks for anticipatory bail to the petitioners.



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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 property dispute, the petitioners have abused him in filthy language and assaulted him with iron rod and also threatened him. He would further submit that the injured has been discharged from the hospital. However, he opposed for grant of anticipatory bail to the petitioners.

5. Taking note of the facts and circumstances and the submissions made by the learned counsel and also of the fact that the injured has been discharged from the hospital, 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 **learned Judicial Magistrate No.II, Tindivanam and the learned Judicial Magistrate, Tambaram respectively** on condition that each



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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 1 and 2 shall report before the respondent police every day at 10.30 a.m., until further orders; the 3rd petitioner shall report before the respondent Police 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



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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]***; and;

[h] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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