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Crl.O.P.No.27979 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 147, 148, 294(b), 324, 307, 506(ii) of IPC, in Crime No.336 of 2022, seek anticipatory bail.

2.The case of the prosecution as per the *de-facto* complainant Murugan is that there exists a land dispute between the *de-facto* complainant's family and the accused family and due to which, on 26.10.2022, the accused have abused the *de-facto* complainant and his family in a filthy language and assaulted them with wooden logs, resulting in them sustaining injuries. Hence the case.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and due to the existing land



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dispute, a false case has been given as against the petitioners and their family. He also submitted that the *de-facto* complainant and his family have abused and assaulted the petitioners' family and in respect of which, a case in Crime No.337 of 2022 has been registered as against the *de-facto* complainant and his family and it is a case in counter. Hence, he prayed to grant anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that it is a case and a case in counter. He further submitted that due to previous enmity on account of the land dispute, the petitioners, who are arrayed as A1 to A9, abused the *de-facto* complainant and his family in a filthy language and also assaulted them with wooden logs, causing grievous injuries. He also submitted that the injured has been discharged from the hospital and that there is a case in counter in Crime No.337 of 2022. Hence, oppose for grant of anticipatory bail to the petitioners.

5.Heard the learned counsel and perused the entire materials



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6.Taking into consideration the facts of the case and the submissions made by the learned counsel and taking note 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.

7.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.VI, Salem on condition that each of the petitioners shall execute a 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 2nd and 3rd petitioners shall report before the respondent Police daily at 10.30 a.m., for a period of one week and thereafter as and when required for interrogation.

[c] the petitioners 1 and 4 to 7 shall report before the respondent Police daily 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 action against the



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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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