



Crl.O.P.No.28491 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 294(b), 323, 324 and 506(ii) of IPC in Crime No.220 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners and the defacto complainant are neighbours. On account of stagnation of rain water, a wordy quarrel between them and during the quarrel, the petitioners have abused the defacto complainant and also assaulted him with hands and wooden log. 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 it is a case and case in counter in Crime No.221 of 2022. Hence, he prays for grant of anticipatory bail to the petitioners.



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4.The learned Additional Public Prosecutor appearing for the respondent would submit that due to enmity on account of stagnation of rain water, the petitioners have abused the defacto complainant with filthy language and also assaulted him with hands and wooden log. He would further submit that the injured has been discharged from the hospital and it is a counter case. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5.Heard the learned counsel for the petitioners as well as the learned Additional Public Prosecutor for the respondent and perused the entire materials available on record.

6.Taking into consideration the facts and circumstances of the case and also of the fact that it is a case and case in counter, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



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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.I, 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 petitioners shall report before the respondent police everyday at 10.30 a.m., for a period of two 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.



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[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 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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