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Crl.O.P.No.29944 of 2022

T.V.THAMILSELVI, J.

The petitioners, who apprehend arrest for the alleged offence under Sections 294(b), 323, 324 & 506(ii) of IPC in Cr.No.444 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and defacto complainant are near land owners. In respect of land dispute, wordy quarrel arose between them and they assaulted the defacto complainant and also caused grievous injuries to him. He was admitted in the hospital. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that there is a counter complaint registered against the defacto complainant and others in Cr.No.443 of 2022. The 4th petitioner/A4 is aged about 70 years. He further submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioners.



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4.The learned Government Advocate (Crl.Side) appearing for the respondent submits that the injured person has been discharged from the hospital. However, he opposed vehemently to grant anticipatory bail to the petitioners.

5. Considering the fact that the injured person has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on anticipatory bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned ***Judicial Magistrate, Sankarapuram***, on condition that the petitioners shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand Only) each**, 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 and on further conditions that:



(a) 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 to 3 shall report before the respondent police on every Wednesday for a period of four weeks and thereafter before the trial court on all hearing dates without fail; Since the 4th petitioner/A4 is aged about 70 years, he shall report before the respondent police as and when required;

(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 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;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.



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4



06.12.2022

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