

CRL.O.P.No.30349 of 2022WEB COPY **T.V.THAMILSELVI, J.**

The petitioners, who apprehend arrest for the alleged offence under Sections 294(b), 323, 324, 354, 506(1) and 379 of IPC in Cr.No.210 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to land dispute, there arose quarrel between the petitioners and the defacto complainant and thereafter, the petitioners assaulted the defacto complainant with iron rod. In the said attack both of them sustained injuries in which the defacto complainant sustained grievous injuries. Hence, the complaint.

3. The learned counsel appearing for the petitioners submit that the petitioners have not been committed any offence as alleged by the prosecution. He further submits that there is a case in counter registered against the defacto complainant and the dispute between them is civil in nature. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.



4. The learned Government Advocate (Crl.side) submitted that

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the petitioners and the defacto complainant are neighbours and that there is a land dispute between them. He further submitted that the injured person has been discharged from the hospital and the case is under investigation.

5. Considering the fact that there is a case in counter, this Court is inclined to grant anticipatory bail to the petitioners.

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 of receipt of a copy of this order, before the learned **Judicial Magistrate, Paramathi, Namakkal district** on condition that the petitioners shall execute a separate 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 condition that:



(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned 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 on every Wednesday at 10.30 a.m. for a period of eight weeks and thereafter, as and when required for interrogation;

(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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