



Crl.O.P.No.30618 of 2022

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T.V.THAMILSELVI, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323 and 506(ii) of IPC in Crime No.278 of 2022, seek anticipatory bail.

2.The case of the prosecution is that on 21.11.2022, the accused attempted to measure the land encroached by the defacto complainant and when the same was questioned on by the defacto complainant, the petitioners have abused her and her husband in filthy language and also assaulted them. 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 prays for grant of anticipatory bail to the petitioners.



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4. The learned Government Advocate (crl.side) appearing for the respondent would submit that the accused attempted to measure the land encroached by the defacto complainant and when the same was questioned on by the defacto complainant, the petitioners have abused her and her husband in filthy language and also assaulted them. He would further submit that the injured has been discharged from the hospital. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Taking note of the facts and circumstances and also of the submissions made by the learned counsel, 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, Ulundurpettai** on condition that each of the petitioners shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten**



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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 on every Wednesday at 10.30 a.m., for a period of three months.

[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



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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.

14.12.2022

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