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Crl.O.P.No.32021 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), 324 and 506(ii) of IPC in Crime No.254 of 2022, seek anticipatory bail.

2. The case of the prosecution is that there was a dispute between the petitioners and the defacto complainant with regards to the common well and on 26.11.2022, at about 09.00 am, when the defacto complainant came near the common well to switch on the motor, the petitioners have abused the defacto complainant in filthy language and assaulted her, resulting in her sustaining injuries. 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. The learned counsel, on instructions, would further submit that the petitioners, without prejudice to their rights, are ready to deposit the amount of **Rs.10,000/- (Rupees**



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Ten Thousand Only) each to the credit of the crime number. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) would submit that due to the dispute regarding the common well, the petitioners have assaulted the defacto complainant. Hence, he opposed for grant of anticipatory bail to the petitioners.

5. Heard both sides and perused the materials. Taking into consideration the facts and circumstances of the case, 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 No.II, Namakkal** on condition that each of the petitioners shall execute separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties each for a like sum to



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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 shall deposit a amount of **Rs.10,000/- (Rupees Ten Thousand Only) each** to the credit of the crime number within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate No.II, Namakkal**, and on such deposit, the defacto complainant is permitted to withdraw the said deposit amount on proper identification and acknowledgment;

[b] 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;

[c] the petitioners shall report before the respondent Police as and when required for interrogation;

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioners shall not abscond either during investigation or trial;



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[f] 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];**

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

23.12.2022

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