



Crl.O.P.No.32490 of 2022

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A.A.NAKKIRAN, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b), 323, 324 and 506(ii) of IPC, in Crime No.609 of 2022, seek anticipatory bail.

2. Totally there are five accused in this case. The petitioners herein are arrayed as A1, A2, A3 and A5. The case of the prosecution is that, due to previous enmity there was a pathway dispute, between the petitioners and the defacto complainant, for which the petitioners abused the defacto complainant's family with obscene words and attacked them with an iron rod and thereby causing injury to them. Hence the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioners.



4. The learned Government Advocate (Crl.Side) submitted that it is a case in counter. He further submitted that, due to previous enmity, there was a pathway dispute between the petitioners and the defacto complainant and subsequently, the petitioners attacked the defacto complainant's family with wooden rod and caused injuries. He further submits that the injured has been discharged from the hospital on 26.11.2022. Hence, he opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also the fact that the injured has been discharged from the hospital and it is a case in counter and also not having any bad antecedents against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of their arrest by the respondent police or the police officer, who intends to arrest or on the petitioners surrender before the learned Judicial Magistrate, Gingee within a period of fifteen days from the date of receipt of a copy of this order, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only)



Crl.O.P.No.32490 of 2022

with two sureties for a like sum/amount to the satisfaction of the learned Judicial Magistrate, Gingee.

(a) the sureties shall affix their photographs and left thumb impression in the surety bond. The Police Officer who intends to arrest or the learned Judicial Magistrate before whom the petitioners surrender and the sureties execute bond shall obtain a copy of their Identity Card, Aadhar Card, or Voter Identity Card or Driving Licence or PAN Card or Bank Passbook with Photo affixed and attested by the Bank Manager as proof of Identity.

(b) the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders.

(c) the petitioners shall not influence, threaten or coerce the 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 Investigation Officer shall exercise the discretion to cancel the bail by approaching the Court of the learned Judicial Magistrate/Trial Court.

(f) the learned Judicial Magistrate/Trial Court shall on application for cancellation of bail bond by the Investigation Officer shall pass appropriate



Crl.O.P.No.32490 of 2022

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drl/smn

orders as though bail granted by the learned Judicial Magistrate/Trial Judge himself/herself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;

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

28.12.2022

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Crl.O.P.No. 32490 of 2022