

CRL.O.P.No.32483 of 2022WEB COPY A.A.NAKKIRAN, J.

The petitioners, who apprehend arrest for the alleged offence under Sections 294(b), 323, 147 & 506(ii) of IPC r/w Section 4 of Woman Harassment Act in Cr.No.359 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant was not given share over the ancestral property, thereby arose a wordy quarrel between the petitioners and the defacto complainant and thereafter, the petitioners assaulted the defacto complainant with wooden log and caused injury. Hence, the complaint.

3. The learned counsel appearing for the petitioners submit that the petitioners have not committed any offence as alleged by the prosecution. The first petitioner and the defacto complainant are brother and sister and it is a land dispute. 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.

WEB COPY

4. The learned Government Advocate (Crl.side) submitted that there is a land dispute between the petitioners and the defacto complainant and due to wordy quarrel arose between them the petitioners assaulted the defacto complainant with wooden log. The case is civil in nature. He further submitted that the injured person has been treated as out patient and there is no previous case against these petitioners. Hence, he opposed to grant anticipatory bail to the petitioners.

5. Considering the fact that there is a case in counter, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Pallipattu, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten 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



WEB COPY

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 are directed to report before the respondent police **daily at 10:30 a.m. for a period of four 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]**.

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

28.12.2022

dpq

A.A.NAKKIRAN, J.



WEB COPY



4

Crl.O.P.No.32483 of 2022

dpq

CRL.O.P.No.32483 of 2022

28.12.2022