

**Crl.O.P.No.32567 of 2022****A.A.NAKKIRAN, J.**

The petitioners who apprehend arrest for the alleged offence under Sections 147, 148, 447, 427, 294(b), 323, 324 and 506(ii) of IPC in Cr.No.213 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to land dispute between the petitioners and the *de facto* complainant, the petitioner along with other accused had assaulted the defacto complainant and have damaged the water pipe. 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. 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 due to land dispute between the *de facto* complainant and the petitioner, the *de facto*



complainant was attacked by the petitioner and other accused and the injured has been discharged from the hospital on 02.04.2022; he further submitted that there is no previous case against the petitioners. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also considering the fact that this is a case in counter and the injured have been discharged from the hospital and also the petitioners are having no bad antecedent, 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, Vanur**, on condition that the petitioners shall execute a 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;

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(b)the petitioners shall 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]***; and;

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

28.12.2022

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