

CRL.O.P.No.32520 of 2022WEB COPY **A.A.NAKKIRAN, J.**

The petitioners, who apprehend arrest for the alleged offence under Sections 294(b), 324, 341, 379, 506(ii) of IPC and Section 4 of TNPHW Act, 2002 in Cr.No.771 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to land dispute, there arose quarrel between the petitioners and the defacto complainant and thereafter, the petitioners assaulted the defacto complainant with hand and wooden log. In the said attack both of them sustained injuries in which the defacto complainant sustained grievous injuries. 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 and the defacto complainant had sustained only simple injuries. He further submits that there is a case in counter registered against the defacto complainant and the dispute between them is civil



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in nature. However, the learned counsel, on instructions, further submits that the petitioners, without prejudice to their rights, are ready to deposit some amount to the credit of the crime number as imposed by this Court. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

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 the petitioners assaulted the defacto complainant with hands and wooden log. The case is civil in nature. He further submitted that the injured person has been discharged from the hospital and there is no previous case against this petitioner. Hence, he opposed to grant anticipatory bail to the petitioners.

5. Considering the fact that the injured has been discharged from the hospital and that there is a case in counter and that the petitioners on their own volition, are ready to deposit some amount to the credit of the crime number, this Court is inclined to grant anticipatory bail to the



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petitioners with certain conditions.

6. Accordingly, the petitioners are directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) each to the credit of Crime No.771 of 2022, within a period of fifteen (15) days and on such deposit, the petitioners are ordered to be released on bail in the event of arrest or on his appearance, before the **learned Judicial Magistrate, Omalur** 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 the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioners are directed to deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only)** each to the credit of Crime No.771 of 2022 before the concerned Magistrate within a period of fifteen (15) days.

(b) 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;

(c) the petitioners are directed to appear before the

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respondent police daily at 10.30 a.m for a period of two weeks and thereafter 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;

(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 petitioner released on anticipatory 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;

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

28.12.2022

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