



Crl.O.P.No.96 of 2023

WEB COPY

Crl.O.P.No.96 of 2023

T.V.THAMILSELVI,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 447, 294(b), 323, 324, 355 & 506(ii) of IPC, in Crime No.683 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that due to the civil dispute, the accused have trespassed into the agricultural land of the de-facto complainant and prevented the de-facto complainant and his father from doing their work. The further allegation is that when it was questioned by the de-facto complainant and his father, the accused abused them in a filthy language and assaulted him with wooden log and hands, due to which, they sustained grievous injuries. Hence the case.

3. Learned counsel for the petitioner submitted that the petitioner are innocent persons and they have been falsely implicated in this case. He further submitted that the de-facto complainant is the one who trespassed into



CrI.O.P.No.96 of 2023

the petitioner's land and damaged his crops, due to which there was a quarrel between them and in respect of which the petitioner has also lodged a complaint in Crime No.682 of 2022. He further submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.

4. Learned Government Advocate (CrI.Side) appearing for the respondent police submitted that the petitioner and the de-facto complainant are relatives. He also submitted that due to the civil dispute the accused have abused the de-facto complainant and his father in a filthy language and assaulted them, causing injuries. He also submitted that there was a case in counter which was filed by the petitioner against the de-facto complainant. He further stated that the investigation is almost completed, however, he opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (CrI.Side) for the respondent and perused the entire materials available on record.



CrI.O.P.No.96 of 2023

WEB COPY

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner and also taking note of the fact that the investigation is almost completed, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate, Uthiramerur**, on condition that the petitioner shall execute a 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, failing which, the petition for anticipatory bail shall stands dismissed and on further condition that:

[a] the petitioner 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;



Crl.O.P.No.96 of 2023

T.V.THAMILSELVI,J.

ham

[b] the petitioner shall appear before the learned Judicial Magistrate, Uthiramerur, everyday at 10.30 a.m. for a period of six weeks and thereafter, on any date fixed by the learned Magistrate;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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.

05.01.2023

ham

Crl.O.P.No.96 of 2023