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Crl.O.P.Nos.171 and 178 of 2023

T.V.THAMILSELVI, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 447, 294(b), 324 and 506(ii) of IPC r/w Section 34 of IPC in Crime No.180 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that due to civil dispute, the accused picked up a quarrel with the defacto complainant, during the quarrel, the accused abused him in a filthy language, assaulted him with iron rod and also threatened him. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners and the defacto complainant are adjacent land owners and due to previous enmity, a false complaint has been given against them. He would further submit that they have nothing to do with the alleged offence. Hence, he prays for grant of anticipatory bail to the petitioners.

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4. The learned Government Advocte (Crl.Side) would submit that the petitioners and the defacto complainant are adjacent land owners. Due to civil dispute, there was a wordy quarrel arose between them, during the quarrel, the petitioners had abused him in a filthy language, assaulted him with iron rod and also threatened him. He would further submit that the injured has been discharged from the hospital. However, he opposed for grant of anticipatory bail to the petitioners.

5.Taking into consideration of the facts and circumstances of the case and the submissions made by the learned counsel and also of the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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 on which the order copy made ready, before the learned Judicial Magistrate No.III, Puducherry, on condition that each of the

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petitioners shall execute separate 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, 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 shall appear before the respondent Police 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

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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;

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