



Crl.O.P.No.365 of 2023

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T.V.THAMILSELVI, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 143, 148, 294(b), 427, 447 and 506(i) of IPC in Crime No.166 of 2022, seek anticipatory bail.

2. The case of the prosecution is that due to civil dispute, the petitioners have abused the defacto complainant in filthy language and threatened him and also caused damage to the whip trees belongs to the defacto complainant to the tune of Rs.2,00,000/-. Hence the complaint.

3.The learned counsel for the petitioners would submit that the petitioners and the defacto complainant are neighbours and due to previous enmity, a false complaint has been given against them. He would further submit that without prejudice, the petitioners are ready and willing to deposit Rs.15,000/- each to the credit of Crime No.166 of 2022 and it is a case and a case in counter. Hence, he prays for grant of anticipatory bail to the petitioners.



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4. The learned Government Advocate (crl.side) appearing for the respondent would submit that the petitioners and the defacto complainant are neighbours. Due to civil dispute, the petitioners have abused the defacto complainant in filthy language and threatened him and also caused damage to the whip trees belongs to the defacto complainant. He would further submit that it is a case and a case in counter. However, he opposed for grant of anticipatory bail to the petitioners.

5.Taking into consideration the facts of the case and the submissions made by the learned counsel and also taking note of the fact that it is a case and a case in counter, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are directed to **deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand Only) each to the credit of Crime No.166 of 2022** and on such deposit and receipt of proof of payment, 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



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on which the order copy made ready, before the learned Judicial Magistrate No.I, Vanur, on condition that the 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 deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) each to the credit of Crime No.166 of 2022, before the concerned Magistrate, at the time of furnishing sureties and the learned trial Judge shall disburse the amount to the defacto complainant.

[c] the petitioners shall report before the respondent police on every Tuesday and Saturday at



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10.30 a.m., for a period of eight weeks.

[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 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]**;

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

09.01.2023

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