



Crl.O.P.No.234 of 2023

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T.V.THAMILSELVI, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 324 and 506(ii) of IPC in Crime No.397 of 2022, seek anticipatory bail.

2. The case of the prosecution is that due to land dispute, the petitioners abused the defacto complainant in a filthy language and assaulted him with wooden log. Hence the complaint.

3.The learned counsel for the petitioners would submit that the petitioners and the defacto complainant are brothers and due to land dispute, 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.

4. The learned Government Advocate (crl.side) for the respondent Police appearing for the respondent would submit that due to land dispute, the petitioners abused the defacto complainant who is the brother



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of the first petitioner in a filthy language and assaulted him with wooden log. He would further submit that the injured discharged from the hospital. However, he opposed for grant of anticipatory bail to the petitioners.

5.In reply, the learned counsel for the petitioners would submit that the petitioners are ready and willing to pay a sum of Rs.10,000/- to the credit of Crime No.397 of 2022 towards the alleged medical expenses incurred by the defacto complainant. Hence, he prays for grant of anticipatory bail to the petitioners.

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

7. Accordingly, the petitioners are directed to **deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) to the credit of Crime**



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No.397 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 on which the order copy made ready, before the **learned Judicial Magistrate, Arakonam** on condition that each of 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.10,000/- (Rupees Ten Thousand only)** to the credit of Crime No.397 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.



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[c] the first petitioner shall report before the respondent police on every Wednesday at 10.30 a.m., for a period of eight weeks. The second petitioner shall report before the respondent police 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 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;

[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 234-A IPC.

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