



Crl.O.P.No.720 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 294(b), 323, 324 and 506(ii) of IPC in Crime No.390 of 2022, seek anticipatory bail.

2. The case of the prosecution is that due to civil dispute, the petitioners herein trespassed into the defacto complainant's house and attacked the defacto complainant and threatened him with dire consequences, due to which, the defacto complainant sustained grievous injuries and got admitted in hospital. Hence the complaint.

3. Learned counsel for the petitioners would submit that the petitioners are innocent persons and due to property dispute with regard to the right over the pumpset, a false complaint has been given against them in order to wreck vengeance. He would further submit that the petitioners are ready to abide by any stringent condition that may be imposed by this Court and hence, he prays for grant of anticipatory bail to the petitioners.



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4. Learned Government Advocate (Crl.side) appearing for the respondent would submit that due to civil dispute in between the petitioners and the defacto complainant, the petitioners trespassed into the defacto complainant's house, abused the victim and his wife using filthy language and attacked the defacto complainant using stone. Hence, he opposed for grant of anticipatory bail to the petitioners.

5. Heard learned counsel for the petitioners as well as the learned Government Advocate (crl.side) for the respondent and perused the entire materials available on record.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are 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**



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Judicial Magistrate, Thirupathur, on condition that the petitioners shall execute a 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 1st and 2nd petitioners shall report before the respondent police on every Wednesday at 10.30 a.m., for a period of eight weeks and thereafter as and when required for further investigation and the 3rd petitioner 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



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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 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;

12.01.2023

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To:

1. The Judicial Magistrate,
Thirupathur,
2. The Public Prosecutor,
High Court of Madras.



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