



Crl.O.P.No.931 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, 354 and 506(ii) of IPC in Crime No.7 of 2023, seek anticipatory bail.

2. The case of the prosecution is that petitioners and the defacto complainant are neighbours and due to dispute with regard to usage of pathway, there arose a wordy quarrel in between the petitioners and the defacto complainant and the petitioners herein attacked the defacto complainant, abused him by using filthy language and threatened him with dire consequences. Hence the complaint.

3. Learned counsel for the petitioners would submit that the petitioners are innocent persons and due to previous enmity, a false complaint has been given against them. 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 the petitioners and the defacto complainant are neighbours and due to dispute over usage of pathway, the petitioners assaulted the defacto complainant and threatened him with dire consequences. Hence, he opposed for grant of anticipatory bail to the petitioners.

5. 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.

6. 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 Judicial Magistrate, Sholinghur**, 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



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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 report 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned



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Magistrate/Trial Court himself as

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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,
Sholinghur.
2. The Public Prosecutor,
High Court of Madras.



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