

CrI.O.P.No.2367 of 2023

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**T.V.THAMILSELVI, J.**

The petitioners, who apprehends arrest for the alleged offence under Sections 294(b),324,506(ii) of I.P.C in Crime No.71 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioners and the defacto complainant are neighbours and there was a dispute between them with regard to usage of terrace. Due to which the petitioners attacked the defacto complainant and caused injuries to him and also abused in filthy language. Hence the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned counsel appearing for the intervenor vehemently opposed for grant of bail by stating that the petitioners attacked the defacto complainant and caused grievous injuries to him.



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5. The learned Government Advocate (CrI.Side) submitted that the petitioners and the defacto complainant are neighbours and there was a dispute between them with regard to usage of terrace, due to which the petitioners attacked the defacto complainant and caused injuries to him. He further submits that the injured was treated as out patient. Hence, he opposed for grant of anticipatory bail to the petitioners.

6. Considering the facts and circumstances of the case and also the submissions made by the both counsel and also the fact that the injured was treated as out patient., this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the **District Munsif cum Judicial Magistrate, Keelkattalai, Chennai** on condition that the petitioners shall execute a bond for a sum of **Rs.1,00,000/- (Rupees One Lakh 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

**(b) the first respondent shall report before the respondent police every Wednesday at 10.30a.m., for a period of two months and the second 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 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 anticipatory 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;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.



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