

Crl.O.P.No.2725 of 2023

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T.V.THAMILSELVI, J.

The petitioners, who apprehend arrest for the alleged offence under Sections 294(b), 324, 427 and 506 (i) of IPC in Cr.No.15 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is working under one Thangaraj and the petitioners are adjacent land owners. On 15.01.2023, the petitioners had broken the pole stone and destroyed the fence, when the same was questioned by the defacto complainant, the petitioners had abused the defacto complainant in a filthy language and also attached him with knife. Hence, the defacto complainant lodged a complaint against the petitioners.

3. The learned Counsel for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and a false case has been foisted against them. Hence, he prays for grant of anticipatory bail to the petitioners.



4.The learned Government Advocate (Crl. side) submits that petitioners and one Thangaraj are neighbours, due to previous enmity to Thangaraj, who is the owner of the land, the petitioners had destroyed the pole stone and fence, when the same was questioned by the defacto complainant, the petitioners had abused and assaulted him with knife. He further submitted that investigation is not yet completed. Hence, he opposed for granting anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and the stage of investigation, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on anticipatory bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned *Judicial Magistrate, Dharapuram*, on condition that the petitioners shall execute a separate bond for a sum of **Rs.10,000/-(Rupees Ten Thousand Only)** 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 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 petitioners shall report before the respondent police on every Tuesday and Sunday at 10.30 a.m. for a period of three months and thereafter, 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



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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.

14.02.2023

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