



Crl.O.P.No.3397 of 2023

Crl.O.P.No.3397 of 2023

T.V.THAMILSELVI, J.

The petitioners, who apprehend arrest for the alleged offence under Sections 147, 148, 294(b), 323, 324, 506(ii) of IPC in Cr.No.43 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is the dispute between the petitioners and the defacto complainant's family regarding irrigation of water to their land, due to previous enmity the petitioners assaulted the defacto complainant's father. when questioned by the defacto complainant's mother, the petitioners joined together attacked them with stick and bottom of the coconut leafs and also abused them with filthy languages and threatened them with dire consequences. To which the defacto complainant's parents sustained grievous injuries and admitted in hospital. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and they have been falsely implicated



Crl.O.P.No.3397 of 2023

in this case. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.side) would submit that the injured have been discharged from the hospital. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

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

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 of receipt of a copy of this order, before the learned J.M.Ginjee, condition that the petitioners shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand Only) each**, with **two COMMON SURETIES** 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:



Crl.O.P.No.3397 of 2023

(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 1 to 3 shall report before the respondent police every Saturday at 10.30. a.m., for a period of eight weeks and thereafter, as and when required for interrogation.

(c) the petitioners 4 to 6 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;

T.V.THAMILSELVI, J.



WEB COPY



Crl.O.P.No.3397 of 2023

vsn

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

15.02.2023

vsn

Crl.O.P.No.3397 of 2023

15.02.2023