



Crl.O.P.No.3704 of 2023

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T.V.THAMILSELVI,J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b), 323, 324, 355 and 506(ii) IPC in Crime No.25 of 2023, seek anticipatory bail.

2. The case of the prosecution is that due to civil dispute, the petitioners have abused her in filthy language, assaulted her with stick and threatened her that they will do away her by setting fire on her house and flee away from the place of occurrence. Hence the complaint

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and due to previous enmity, they have been falsely implicated in this case. He would further submit that it is a case and a case in counter and they are ready to abide by any stringent condition that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioners.



Crl.O.P.No.3704 of 2023

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4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that due to civil dispute, the petitioners have abused her in filthy language, assaulted her with stick and threatened her that they will do away her by setting fire on her house and flee away from the place of occurrence. He would further submit that it is a case and a case in counter and the injured has been discharged from the hospital. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Heard the 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 of the case and the submissions made by the learned counsel and also of the fact that it is a case and a case in counter, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



CrI.O.P.No.3704 of 2023

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7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.II, Attur on condition that each of the petitioners shall execute a 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, 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 1, 4 and 5 shall report before the respondent Police on every Tuesday and Sunday at 10.30 a.m., for a period of eight weeks and the petitioners 2 and 3 shall report before the



WEB COPY



CrI.O.P.No.3704 of 2023

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 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;

8.Considering the nature of dispute between the parties and the request made by the learned counsel for the petitioners, the matter is referred for mediation. Therefore, the fourth petitioner and the defacto complainant are directed to appear before the Mediation Centre and



Crl.O.P.No.3704 of 2023

Conciliation Centre, Attur for five sitting from on 01.03.2023.

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24.02.2023

T.V.THAMILSELVI,J.

Page 5 of 6



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Crl.O.P.No.3704 of 2023

vkr

Crl.O.P.No.3704 of 2023

24.02.2023