



Crl.O.P.No.4146 of 2023

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T.V.THAMILSELVI, J.

The petitioners, who apprehend arrest for the alleged offence punishable under Sections 147, 148, 448, 324 and 506(ii) of IPC in Cr.No. 47 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to dispute with regard to usage of common pathway, there arose a wordy quarrel in between the petitioners and the de-facto complainant, during which, the petitioners trespassed into the de-facto complainant's house, broke the front door, abused the de-facto complainant and his wife using filthy language and attacked the de-facto complainant by using wooden log, due to which, the de-facto complainant sustained injuries and got admitted in the hospital. Hence, this complaint.

3. Learned counsel appearing for the petitioners submit that the petitioners are innocent persons and have not committed any offence as alleged by the prosecution. He further submitted that, the de-facto complainant had also attacked the petitioners and has falsely lodged this complaint in order to wreck vengeance. Hence, he prayed for grant of



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anticipatory bail to the petitioners.

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4. Learned Government Advocate (Crl. side) submits that the petitioners and the de-facto complainant are relatives and due to property dispute with regard to usage of common pathway, the petitioners attacked the de-facto complainant and due to which, he sustained injuries. Hence, he vehemently opposed for grant of anticipatory bail for the petitioners.

5. Considering the facts and circumstances of the case and also the fact that the injured has been discharged from the hospital, 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 their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial XVI Metropolitan Magistrate, George Town, Chennai**, on condition that the petitioners shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand Only)** each, with **two common 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:



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(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 1st & 2nd petitioners shall report before the respondent police as and when required for interrogation and the other petitioners 3-5 shall report before the respondent police on every Saturday at 10.30 a.m. for a period of two months;

(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]***; and;

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

27.02.2023



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