



Crl.O.P.No.4419 of 2023

Crl.O.P.No.4419 of 2023

WEB COPY

T.V.THAMILSELVI,J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 324 and 307 of IPC, in Crime No.33 of 2023, seek anticipatory bail.

2.The case of the prosecution is that there was a civil dispute between the petitioners and the *de-facto* complainant. However, *de-facto* complainant initiated steps to put fencing in the dispute area. Due to which, the petitioners have attacked *de-facto* complainant and his friends, thereby caused head injury to the *de-facto* complainant. Hence, the case.

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



Crl.O.P.No.4419 of 2023

WEB COPY

4.The learned Government Advocate (Crl.Side) would submit that due to previous enmity, the petitioners have attacked the *de-facto* complainant and his friends. Due to which, the *de-facto* complainant had sustained head injury. He would also submit that the injured has been discharged from the hospital and A1/first petitioner has been arrested. Hence, he opposed for grant of anticipatory bail to the petitioners.

5.Taking into consideration the facts and circumstances of the case and also considering the fact that the first petitioner has been arrested, this Court is not inclined to grant anticipatory bail to the first petitioner/A1. Insofar as the petitioners 2 to 4 are concerned, this Court is inclined to grant anticipatory bail to the petitioners 2 to 4 with certain conditions.

6.Accordingly, as far the first petitioner is concerned, the petition is dismissed and as far as the petitioners 2 to 4 are concerned, petitioners 2 to 4 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



Crl.O.P.No.4419 of 2023

order copy made ready, before the **Judicial Magistrate, Dharapuram**, on condition that the petitioners 2 to 4 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners 2 to 4 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 2 and 3 shall report before the respondent Police on every Tuesday at 10.30 a.m. for a period of six weeks and the 4th petitioner shall report before the respondent police as and when required for interrogation ;

[c] the petitioners 2 to 4 shall not tamper with evidence or witness either during investigation or trial;



WEB COPY



Crl.O.P.No.4419 of 2023

T.V.THAMILSELVI,J.

sp

[d] the petitioners 2 to 4 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 2 to 4 in accordance with law as if the conditions have been imposed and the petitioners 2 to 4 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.

02.03.2023

sp

Crl.O.P.No.4419 of 2023