



Crl.O.P.No.4421 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), 324, 323 and 379 of IPC, in Crime No.496 of 2022, seek anticipatory bail.

2.The case of the prosecution is that there was a dispute with regard to sale of a property without the knowledge of the *de-facto* complainant. When the said sale was enquired by the *de-facto* complainant, the petitioners along with other persons have abused the *de-facto* complainant in filthy language and assaulted him and even, taken away two sovereigns of gold chain, four grams of gold ring and a sum of Rs.9,800/- from him. Due to which, the *de-facto* complainant sustained injuries. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the father of the *de-facto* complainant only sold his property to the petitioners by way of an absolute registered sale deed after receiving the entire sale consideration without the knowledge of the *de-facto* complainant. After



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coming to know about the said sale transaction, the *de-facto* complainant and others have come to the petitioners' house and abused them in filthy language and attacked them. Due to which, a false complaint has been foisted against the petitioners. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) would submit that there was a dispute with regard to sale of a property belongs to the *de-facto* complainant's family to the petitioners. He would also submit that due to the said dispute, the parties have attacked each other and sustained injuries. He would also submit that it is a case and a case in counter. 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 submission made by the learned Government Advocate (Crl.Side), this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



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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 on which the order copy made ready, before the **learned Judicial Magistrate-II, Virudhachalam**, on condition that each of 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, 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 and 4 shall report before the respondent Police on every Sunday at 10.30 a.m. for a period of six weeks and the petitioners 2 and 3 shall report before the respondent police as and when required for interrogation;



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[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.

02.03.2023

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