



Crl.O.P.No.5385 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 341, 294(b), 323, 324 and 506(ii) of IPC in Crime No.778 of 2020, seek anticipatory bail.

2. The case of the prosecution is that there was a dispute with regard to land and parking of car between the petitioners and the defacto complainant. Therefore, the defacto complainant had obtained permission from one Kotta @ Parthiban for using his land to enter his land through his land and to park his car. While so, on 05.07.2020, the petitioners waylaid the defacto complainant, abused and assaulted him with hands, knife and wooden stick and also threatened him with dire consequences due to which, the defacto complainant sustained injuries. Hence the complaint.

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 further submitted that during the year 2020, the petitioners



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had approached this Court seeking anticipatory bail in Crl.O.P.No.10699 of 2020 and this Court had granted anticipatory bail to them. However, due to the pandemic situation, the order was not communicated to the petitioners and thereby the petitioners were unable to surrender and execute the sureties within the time stipulated by this Court and therefore, the present petition has been filed.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioners were earlier granted anticipatory bail by this Court on 17.07.2020 in Crl.O.P.No.10699 of 2020.

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 note of the fact and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are directed to deposit a sum of Rs.1000/- (Rupees One Thousand only) each directly to the credit of Taluk Legal Service Authority, attached to the concerned Court and on such deposit,



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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, Katpadi**, on condition that the petitioners shall execute a separate bond for a sum of Rs.25,000/- (Rupees Twenty five 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 shall report before the respondent police everyday at 10.30 a.m., for a period of two week and thereafter as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

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[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.

08.03.2023

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