



Crl.O.P.No.4529 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, 148, 294(b), 323, 324, 355, 427 and 506(2) of IPC, in Crime No.344 of 2022, seek anticipatory bail.

2.The case of the prosecution is that, on 28.12.2022, the petitioners have tried to remove the boundary in the *de-facto* complainant's land. Due to which, there was a dispute between the parties and the petitioners have abused the *de-facto* complainant in filthy language and attacked him with stone, thereby caused injuries to him. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners and the *de-facto* complainant are residing in the same village and due to land dispute between the parties, a false complaint has been lodged against the petitioners. He would also submit that the *de-facto*



Crl.O.P.No.4529 of 2023

complainant and others have attacked the first petitioner and the first petitioner has given a complaint and the same was registered in Crime No.343 of 2022 by the respondent police. 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.

4.The learned Government Advocate (Crl.Side) would submit that the petitioners and the *de-facto* complainant are close relatives. However, due to land dispute between them, the parties have attacked each other. He would also submit that the injured has been discharged from the hospital and it is a case and a case in counter. However, 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 submissions made by the learned Government Advocate (Crl.Side), this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



Crl.O.P.No.4529 of 2023

WEB COPY

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 **Judicial Magistrate No.II, Mettur, Salem District**, 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 shall report before the respondent police 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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Crl.O.P.No.4529 of 2023

T.V.THAMILSELVI,J.

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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.

02.03.2023

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Crl.O.P.No.4529 of 2023