



Crl.O.P.No.4615 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 294(b), 147, 148, 452, 324, 323 and 506(ii) of IPC in Crime No.41 of 2023, seek anticipatory bail.

2. The case of the prosecution is that when the defacto complainant and his wife asked A1 to remove the sand, which was dumped by him in the land of the defacto complainant's brother, a wordy quarrel arose between the wife of A1 and the defacto complainant. During the quarrel, the petitioners along with other accused have attacked and threatened to kill him. Hence the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners and the defacto complainant are neighbours and due to previous enmity, they have been falsely implicated in this case. He would further submit that it is a case and a case in counter. Hence, he prays for grant of anticipatory bail to the petitioners.



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4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that when the defacto complainant and his wife asked A1 to remove the sand, which was dumped by him in the land of the defacto complainant's brother, a wordy quarrel arose between the wife of A1 and the defacto complainant. During the quarrel, the petitioners along with other accused have attacked and threatened to kill him. He would submit that the injured has been discharged from the hospital. Hence, he opposed for grant of anticipatory bail to the petitioners.

5.Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.

6.Considering the facts and circumstances of the case and also the submissions made by the learned counsel and the injured has been discharged from the hospital, this court is inclined to grant anticipatory bail to the petitioners with certain conditions.



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7. 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 No.II, Sankari, 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 on every Saturday at 10.30 a.m., for a period of six weeks;

(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]*; and;

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

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