



Crl.O.P.No.4825 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 341, 294(b) and 506(ii) of IPC, in Crime No.28 of 2023, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the defacto complainant are close relatives. Due to land dispute, the petitioner abused the defacto complainant with filthy language and also threatened her with dire consequences. Hence, the complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and a false complaint has been given on account of a property dispute. He would also submit that the petitioner and the defacto complainant are in-laws. Hence he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate(Crl.Side) appearing for the respondent Police would submit that the petitioner and the defacto complainant are relatives and on account of a land dispute, the petitioner abused the defacto complainant and also assaulted her indiscriminately



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with cricket bat due to which the defacto complainant and her husband sustained grievous injuries. He would further submit that the petitioner has got two previous cases of similar nature. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. The learned counsel for the intervenor would submit that the petitioner and her husband are habitual offenders and by taking law into their own hands, they repeatedly assaulting the defacto complainant and her family members. As far as this case is concerned, the accused had indiscriminately assaulted the defacto complainant and her husband with cricket bat and caused grievous injuries and hence he would opposed for grant of anticipatory bail.

6. In reply, the learned counsel for the petitioner would submit that all the said previous cases were registered on account of existing land dispute between the parties. He would however submit that the petitioner has filed an affidavit of undertaking before this Court stating that neither herself nor her family members will make any disturbances or interference to the defacto complainant and her family members in future. Thereby he would state that the anticipatory bail petition may be considered.

7. Heard the learned counsel and perused the entire materials



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8.Taking into consideration the facts and circumstances of the case and the fact that the injured has been discharged from the hospital and it is a dispute between the family members and also taking into consideration of the affidavit of undertaking filed by the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

9.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned District Munsif cum Judicial Magistrate, Gummidipoondi**, on condition that the petitioner shall execute a 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 petitioner and the sureties shall affix their photographs and Left Thumb Impression in the



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surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent Police daily at 10.30 a.m., until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner 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;

10. The affidavit of undertaking filed by the petitioner shall form part of Court records.



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