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Crl.O.P.No.4951 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 294(b), 323, and 506(ii) IPC and section 4 of Tamil Nadu Prohibition of Harassment of Woman Act in Crime No.242 of 2022, seek anticipatory bail.

2. The case of the prosecution is that due to pathway dispute between brothers, the petitioners picked up quarrel with the defacto complainant and abused him with filthy language and also assaulted him with wooden log. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and due to pathway dispute, they have been falsely implicated in this case. He would further submit that there is a case in counter on the complaint given by the petitioners in CSR No.243 of 2022.



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Hence, he prays to grant anticipatory bail to the petitioners.

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4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioners and the defacto complainant are brothers and due to pathway dispute, they have abused and assaulted each other. He would further submit that the injured has been discharged from the hospital and there is a case in counter. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

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 into consideration the facts and circumstances of the case and the submissions made by the learned counsel and also of the fact that the injured has been discharged from the hospital and there is a case in counter, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



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 District Munsif Cum Judicial Magistrate, Madathukulam**, on condition that each of 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 weeks 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.

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