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Crl.O.P.No.5246 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 alleged offences punishable under Sections 147, 148, 447, 427, 294(b), 323, 506(ii) IPC in Crime No. 59 of 2023, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Sureshkumar is that, he had a land at Survey No.309/4 at Vaikkalmedu, Chinnarpalayam and had put up a tin shed and fence around the land and he had appointed one Vasanth to look after the fence. While so, on 16.02.2023 at about 4.00 p.m, the petitioners are alleged to have come along with other accused and attacked the Vasanth with shovel, crowbar and also abused in filthy language and asked him to run away from the fence and when the same was questioned by him, the petitioners pushed him down and beat him with hands. Thereafter, the vendor came there and rescued the Vasanth and in the meanwhile, the petitioners and others



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are alleged to have completely destroyed the fence and ran away. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and due to land dispute a false complaint has been given. He would submit that the defacto complainant is an encroacher and when it was questioned, a false complaint has been given. He would further submit that the 2nd and 3rd petitioners have unnecessarily roped into the case and they were not in the place of occurrence. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) would submit that due to land dispute, the petitioners have assaulted the defacto complainant and caused damage to the shed and fence to the value of Rs.1 lakh. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. The learned counsel for the intervenor would submit that the



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petitioners have not only assaulted the defacto complainant but also caused damaged to the shed and fence to the value of Rs.1 lakh. Hence, he opposed to grant anticipatory bail to the petitioners.

6. At this juncture, the learned counsel for the petitioners submit that even as per the FIR, the 2nd petitioner who is a doctor has been falsely implicated in this case. However, without prejudice, the petitioners are prepared to deposit a sum of Rs.10,00/- each to the credit of Crime No.59 of 2023. Hence, he prays for grant of anticipatory bail to the petitioners.

7. Heard the learned counsel for the petitioners, learned Government Advocate (Crl. Side) and learned counsel for the intervenor and also perused the materials available on record including the F.I.R. Report.

8. Considering the facts and circumstances of the case, the submissions of either side, and also the fact that without prejudice, the



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petitioners are ready and willing to deposit a sum of Rs.10,00/- to the credit of crime No.59 of 2023, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

9. Accordingly, the petitioners are directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) each, to the credit of Crime No.59 of 2023, within a period of four weeks from the date on which the order copy made ready, and on such deposit the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the **Judicial Magistrate, Kumarapalayam**, on condition that each of the petitioner 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



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or Bank pass Book to ensure their identity.

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[b] each of the petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Crime No.59 of 2023, before the concerned Magistrate, within a period of four weeks from the date on which the order copy made ready.

[c] the final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of trial.

[d] the 1st and 4th petitioners shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter on every Saturday at 10.30 a.m., until further orders.

The 2nd and 3rd petitioners shall report before the respondent police as and when required for interrogation.

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

[f] the petitioners shall not abscond either during investigation or trial.



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[g] 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]***.

[h] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

13.03.2023

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