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Crl.O.P.No.5363 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, 324 and 427 IPC in Crime No.196 of 2022, seek anticipatory bail.

2. The case of the prosecution is that due to dispute between neighbours, the petitioners have assaulted the defacto complainant with stones and iron rod. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners and the defacto complainant are neighbours and due to drainage dispute, a false complaint has been given against them. He would further submit that there is a case in counter on the complaint given by the petitioners. Hence, he prays to grant anticipatory bail to the petitioners.



Crl.O.P.No.5363 of 2023

4. The learned Government Advocate(Crl.Side) appearing for the respondent would submit due to dispute between neighbours the petitioners have assaulted the defacto complainant with stones and iron rod and caused injuries. He would further submit that the injured has been treated as out patient and there is no previous case against the petitioners. 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 treated as out patient, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



WEB COPY

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, Katpadi** on condition that each of the petitioners 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 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 2nd petitioner shall report before the respondent police as and when required for interrogation. 1st and 3rd petitioners shall report before the respondent police everyday at 10.30 a.m., for a period of two week and thereafter every Saturday at 10.30 a.m., until further orders.

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

A.D.JAGADISH CHANDIRA, J.



CrI.O.P.No.5363 of 2023

mpa

WEB COPY

[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.

09.03.2023

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CrI.O.P.No.5363 of 2023