



Crl.O.P.No.5428 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 294(b), 323, 324 and 506(ii) IPC, in Crime No.44 of 2023, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant is that the defacto complainant and the petitioner/A1 are brothers. The defacto complainant and the petitioner are adjacent land owners with a common well. The defacto complainant refused the accused to take a fresh water pipe line from the well, due to which, there was a wordy quarrel between them. As a result, the petitioner along with other accused, abused the defacto complainant with filthy language and assaulted him and also threatened him with dire consequences. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and and he has been falsely implicated in this case. He would further submit that there is a



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case in counter on the complaint given by the petitioner in Crime No.45 of 2023. 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 due to previous enmity, the petitioner abused the defacto complainant, assaulted and also threatened him with dire consequences. He would submit that there is case in counter and the injured has been discharged from the hospital. However, he opposed for grant of anticipatory bail to the petitioner.

5.Heard the learned counsel 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, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his 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, Denkanikottai**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees



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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 petitioner 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 petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter every Saturday 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;

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[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;

10.03.2023

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