



Crl.O.P.No.5492 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 alleged offences punishable under Sections 294(b), 323, 324 and 506(2) of IPC in Crime No. 31 of 2023, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Naveen is that, there is a land dispute between the petitioner's family and the defacto complainant's family. While so, on 28.02.2023, when the petitioner went to his land, a wordy quarrel arose between the petitioner and the defacto complainant. Thereafter, the petitioner attacked him and also criminally intimidated him. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner and the defacto complainant are relatives and due to land dispute, a false complaint has been given against the petitioner. He



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would further submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that due to land dispute, there was a wordy quarrel between the petitioner and the defacto complainant. Thereafter, the petitioner attacked him and abused him in filthy language. Hence, he vehemently opposed to grant anticipatory bail to the petitioner .

5. Heard the learned counsel for the petitioner and learned Government Advocate (Crl. Side) and perused the materials available on record.

6. Taking into consideration the facts of the case and the submissions made by the learned counsel, this Court is inclined to grant bail to the petitioner with certain conditions.



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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 Judicial Magistrate No.1, Sankari**, 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 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 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.

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



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[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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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.

13.03.2023

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