



Crl.O.P.No.5529 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, 294(b), 324, 323 and 506(ii) of IPC r/w Section 4 of TNPHW Act, in Crime No.76 of 2023, seek anticipatory bail.

2. The case of the prosecution is that due to land dispute between the first petitioner and the defacto complainant regarding the sharing of ancestral properties, on 22.02.2023, the first petitioner herein abused the defacto complainant and pushed him into the bushes and thereafter the petitioner along with other accused attacked him with legs, hands, aruval and also threatened him with dire consequence. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and there is a land dispute between the parties. He would also submit that it is a case a case in counter and based on the complaint given by the fifth petitioner, a counter case in Crime No.77 of 2023 has been registered by the respondent police. Hence, he prays for

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grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Criminal Side) would submits that this is the case and case in counter. Due to land dispute, the petitioners along with other accused persons attacked the defacto complainant with hands, legs, aruval and also threatened him with dire consequences. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Heard both sides and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and also the submissions made on both sides, 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 Judicial Magistrate, Thiruthuraipoondi, Thiruvarur District**, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each



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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 1st, 4th, 5th, 6th and 7th petitioners shall report before the respondent police everyday at 10.30 a.m., until further orders and the 2nd and 3rd petitioners, being a lady, shall report before the respondent police for a period of one week.

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

[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



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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.

drl

10.03.2023

A.D.JAGADISH CHANDIRA, J.

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10.03.2023