



Crl.O.P.No.5586 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 147, 148, 294(b), 323, 324 and 506(ii) of IPC, in Crime No.58 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Sathya is that, on 28.01.2023 at about 9.00 a.m, when the defacto complainant went to his land, at that time, due to previous enmity with regard to pathway dispute, the petitioners abused the defacto complainant with filthy language and also assaulted him with sticks and threatened him with dire consequences. Hence, the complaint.

3. The learned counsel for the petitioners submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that it is a case and case in counter



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and on the complaint given by the petitioners, a counter case in Crime No.59 of 2023 has been registered against the opposite party. He would also submit that the petitioners is ready and willing to furnish sufficient sureties and to abide by any stringent condition that may be imposed by this Court. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) would submit that this is the case and case in counter. On 28.01.2023 at about 9.00 a.m, due to previous enmity between the petitioners and the defacto complainant with regard to pathway dispute, the petitioners assaulted the defacto complainant with stick and also threatened him with dire consequences. He would further submit that the injured has been discharged from the hospital. However, he vehemently opposed to grant anticipatory bail to the petitioners.

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



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6. Taking into consideration of the facts and submission that it is a case and case in counter and further on the complaint given by the petitioners, the counter case was also registered in Crime No.59 of 2023, 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 No.I, Attur, Salem 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 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



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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 1<sup>st</sup>, 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup> 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 6.30 p.m., until further orders and the 2<sup>nd</sup> petitioner shall report before the respondent police on every Saturday at 6.30 p.m, until further orders.**

**The 6<sup>th</sup> petitioner, being a lady, shall appear before the respondent police everyday at 10.30 a.m, for a period of two weeks and thereafter as and when required for interrogation.**

[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 imposed and the petitioners released on bail by the learned Magistrate/Trial



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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 abscond, a fresh FIR  
can be registered under Section 229A IPC.

**13.03.2023**

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