



Crl.O.P.No.5721 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), 324 and 506(ii) of IPC, in Crime No.33 of 2023, seek anticipatory bail.

2. The case of the prosecution as per the de facto complainant S.Kailasham is that he had purchased a land prior to 18 years measuring an extent of 1.5 acres. On 11.02.2023 at about 6.00 p.m., the petitioners/accused came to the de facto complainant's land and told that they sold the property without knowing the value and shouted that they will repay the amount and directed the de facto complainant and his son to leave the land. The further allegation is that the petitioners/accused had entered into wordy quarrel with the de facto complainant and his son, abused them with filthy language, assaulted them by using wooden log and also criminally intimidated them. Hence the case.



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3. The learned Counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and a false case has been foisted against them on account of land dispute. He would further submit that since the first petitioner/A1 has been arrested and enlarged on bail by the trial Court in C.M.P.No.956 of 2023 on 15.03.2023, the petition in respect of the first petitioner/A1 has become dismissed as infructuous. He would further submit that it is a case and case in counter and on the complaint given by the second petitioner/A2, a counter case in Crime No.32 of 2023 has been registered against the de facto complainant and his son for the offences punishable under Sections 294(b), 323 and 324 of IPC. He would also submit that the second petitioner/A2 is ready and willing to furnish solvent sureties and to abide by any stringent condition that may be imposed on him. Hence, he prays for grant of anticipatory bail to the second petitioner/A2.



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4. The learned Government Advocate (Criminal side) appearing for the respondent would submit that it is a case and case in counter. He would further submit that on account of land dispute, the petitioners had entered into a wordy quarrel with the de facto complainant and his son, abused them with filthy language, attacked them with wooden logs and also criminally intimidated them. He would further submit that A1 has been arrested and enlarged on bail in C.M.P.No.956 of 2023 on 15.03.2023. He would further submit that the injured has been discharged from the hospital. However, he vehemently opposed to grant anticipatory bail to the second petitioner/A2.

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

6. Taking into consideration the facts and circumstances of the case and also the submission of both sides, this Court is inclined to grant anticipatory bail to the second petitioner/A2 with certain conditions.



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7. Accordingly, the second petitioner/A2 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 Judicial Magistrate No.I, Attur**, on condition that the second petitioner/A2 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 second petitioner/A2 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 second petitioner/A2 shall report before the respondent police every day at 10.30 a.m., until further orders.**

[c] the second petitioner/A2 shall not tamper with evidence or witness either during investigation or trial.



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[d] the second petitioner/A2 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 second petitioner/A2 in accordance with law as if the conditions have been imposed and the second petitioner/A2 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.

8. Accordingly, this Criminal Original Petition is granted for the second petitioner/A2 and dismissed as infructuous for the first petitioner/A1.

20.03.2023

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