



Crl.O.P.No.6188 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, 294(b), 323 and 324 of IPC, in Crime No.80 of 2023, seek anticipatory bail.

2. The case of the prosecution as per the de facto complainant T.Periyasamy is that on 05.03.2023 at about 7.00 p.m., the fourth accused Kavitha cleaned the trash, heaped it and burnt it nearby his Guava Tree. When it was questioned by the de facto complainant and his mother, the petitioners/accused had entered into a wordy quarrel, abused them with filthy language, attacked them with hands, stick and iron rod. Hence the case.

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 property dispute. He would further submit that it is a



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case and case in counter and on the complaint given by the third petitioner/A3, a counter case in Crime No.81 of 2023 has been registered against the de facto complainant for the offences punishable under Sections 294(b) and 323 of IPC. He would also submit that the petitioners are ready and willing to furnish solvent sureties and to abide by any stringent condition that may be imposed on them. Hence, he prays for grant of anticipatory bail to the petitioners.

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 property dispute, the petitioners had entered into a wordy quarrel with the de facto complainant and his mother, abused them with filthy language, attacked them with hands, stick and iron rod. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

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



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 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 District Munsif-cum-Judicial Magistrate, Kunnam**, on condition that each of the petitioner shall execute a separate 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 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.



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[b] the first to third petitioners/A1 to A3 shall report before the respondent police every day at 10.30 a.m., until further orders.

[c] the fourth and fifth petitioners/A4 and A5 shall report before the respondent police every day at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

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

[e] the petitioners shall not abscond either during investigation or trial.

[f] 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]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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