



Crl.O.P.No.6269 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 143, 294(b), 341, 323 and 506(i) of IPC in Crime No.52 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Karthikeyan is that, due to land dispute there was a previous enmity between the petitioner and the defacto complainant's brother. While so on 21.02.2023, at about 11.30 p.m, when the defacto complainant was returning the house, at that time, the petitioners along with unknown persons were filling up the lands with the help of JCB and when the same was questioned by him, the petitioners attacked him with hands and also threatened him with dire consequences. Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and due to land dispute, they have been falsely implicated in this case. He further submit that the petitioners and the defacto



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complainant's brother had filed a suit in OS.No.164 of 2018 before the

Additional District Munsif Court, Attur and the said suit is still pending.

Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) would submit that due to land dispute, the petitioners along with unknown persons attacked the defacto complainant with hands and also threatened him with dire consequences. He further submit that the injured has been discharged from the hospital. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Heard the learned counsel on either sides and perused the entire materials available on record.

6.Taking into consideration the above facts and circumstances of the case and the submissions made by the learned counsel on either side, 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



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the date on which the order copy made ready, before the learned Judicial Magistrate Court No.II, 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 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, until further orders;

[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



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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]**;

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

21.03.2023

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