



Crl.O.P.No.6280 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 341, 294(b), 323, 355 and 506(ii) of IPC, in Crime No.97 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that, due to previous enmity with regard to pathway dispute, on 07.03.2023, the petitioners attacked the defacto complainant and her brother and also threatened them with dire consequences. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the defacto complainant and the second petitioner are adjust land owners and due to previous enmity with regard to pathway dispute, the defacto complainant attacked the first petitioner's wife, in respect of which, the counter case has been registered in Crime No.96 of 2023 on the complaint given by the petitioners and it is a case in counter. Hence, he prays for grant of anticipatory bail to the petitioners.



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4. The learned Government Advocate (Criminal Side) would submit

that this is the case and case in counter. Due to previous enmity with regard to pathway dispute, the petitioners attacked the defacto complainant and her brother and also threatened them with dire consequences. 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 the date on which the order copy made ready, before the learned Judicial Magistrate Court, Thirukovilur, Kallakurichi 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



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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] (i) the first petitioner shall report before the respondent police at 6.30 p.m, for a period of two weeks and thereafter as and when required for interrogation; and

(ii) the second petitioner shall report before the respondent police everyday at 10.30 a.m, for a period of two weeks and thereafter on every Saturday 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 law as if the conditions have been imposed and the



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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;

20.03.2023

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