



Crl.O.P.No.6608 of 2023

Crl.O.P.No.6608 of 2023

A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 448, 294(b), 323, 324 and 506(ii) of IPC in Crime No.156 of 2023, seek anticipatory bail.

2. The case of the prosecution is that due to previous enmity with regard to temple dispute, the petitioners have trespassed into the house of the defacto complainant, abused him in a filthy language and assaulted him with wooden log. Hence the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and due to previous enmity, a false complaint has been given against them. He would further submit that the petitioners are ready to abide by any stringent condition that may be imposed by this Court. Hence, he seeks for anticipatory bail.



Crl.O.P.No.6608 of 2023

WEB COPY

4.The learned Government Advocate (Crl. Side) appearing for the respondent Police would submit that on account of temple dispute, the petitioners have trespassed into the house of the defacto complainant, abused him in a filthy language and assaulted him with wooden log. 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.Taking into consideration the facts and submissions of the learned Counsel and also of the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

6.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, Pallipet on condition that the petitioners shall execute a separate bond for a sum of



WEB COPY

Rs.10,000/- (Rupees Ten Thousand only) with two sureties 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 petitioners shall report before the respondent police daily 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



WEB COPY



CrI.O.P.No.6608 of 2023

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;

vkr

29.03.2023



WEB COPY



Crl.O.P.No.6608 of 2023

A.D.JAGADISH CHANDIRA, J.

vkf

Crl.O.P.No.6608 of 2023

29.03.2023

Page 5 of 5