



Crl.O.P.No.6635 of 2023

Crl.O.P.No.6635 of 2023

WEB COPY

A. D. JAGADISH CHANDIRA, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 324 & 506(ii) of IPC, in Crime No.36 of 2023 seek anticipatory bail.

2. There are totally two accused involved in this case and the petitioners are arrayed as A1 & A2. The case of the prosecution is that due to land dispute, there was a wordy quarrel between the petitioners and the *de facto* complainant and it is alleged that the petitioners have assaulted the *de facto* complainant with wooden log. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and there was no intention to cause the injury to the defacto complainant. However, he would submit that the victim has also been discharged from the hospital and there is no previous case pending against the petitioners. Hence, he prayed for grant of anticipatory bail to the petitioners.



Crl.O.P.No.6635 of 2023

WEB COPY

4. The learned Government Advocate (Crl.side) would submit that the petitioners attacked the *de facto* complainant and the injured discharged from the hospital. He further submitted that there are no previous case against the petitioners. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Heard the learned counsel for the petitioners as well as the learned Government Advocate (crl.side) for the respondent and perused the entire materials available on record.

6. Taking into consideration the facts of the case and the submissions made by the learned counsel, 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



CrI.O.P.No.6635 of 2023

the learned **Judicial Magistrate, Dharapuram**, on condition that each of the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) each 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 1st petitioner shall report before the respondent police station daily at 10.30 a.m., for a period of one week and thereafter as and when required; the 2nd petitioner shall report before the respondent police station daily at 10.30 a.m., until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;



WEB COPY



CrI.O.P.No.6635 of 2023

A. D. JAGADISH CHANDIRA, J.

gbi

[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 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;

gbi

28.03.2023

CrI.O.P.No.6635 of 2023