



Crl.O.P.No.7637 of 2023

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WEB CO **A.D.JAGADISH CHANDIRA, J.**

The petitioners, who apprehend arrest for the alleged offences under Sections 294(b), 323, 379, 448 and 506(ii) of IPC in Crime No.133 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to property dispute, the petitioners have abused the defacto complainant in a filthy language and also assaulted her with hands and also threatened her. Hence the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent person and due to previous enmity, a false complaint has been given against them. He would further submit that it is a case and a case in counter in Crime No.134 of 2023. Hence, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (crl.side) appearing for the respondent Police would submit that due to property dispute, the petitioners



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and the defacto complainant have abused and assaulted each other. He would further submit that the injured has been discharged from the hospital.

He would also submit that there are five cases have been registered for the past five years for the same dispute against the petitioners and the defacto complainant. Hence, he opposed for grant of anticipatory bail to the petitioners.

5.Mr.Mohamed Ismail, learned counsel for the intervenor would submit that due to property dispute, the petitioners have abused the defacto complainant in a filthy language and also assaulted her with hands and also threatened her.

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

7. Considering the above facts and circumstances of the case and the submissions made by the learned counsel on either side and also of the fact



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that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. 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 No.I, Mayiladuthurai, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten 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 petitioners shall file an affidavit of undertaking stating that they will strictly comply with the order passed by the learned Judicial Magistrate No.I,



Mayiladuthurai in D.V.C.No.18 of 2022, at the time of executing sureties;

[c] the petitioners 1 and 2 shall stay at Madurai and report before the Inspector of Police, Vilakuthoon Police Station, everyday at 10.30 a.m., for a period of two weeks and thereafter, report before the respondent police everyday at 10.30 a.m., until further orders and the petitioners 3 and 4 shall report before the respondent Police everyday at 10.30 a.m., until further orders ;

[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]**;



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

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