



Crl.O.P.No.7756 of 2023

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

The petitioner, who apprehends arrest for the alleged offences under Sections 294(b), 324 and 506(ii) of IPC in Crime No.123 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and the defacto complainant are adjacent land owners and due to pathway dispute, the petitioner has abused the defacto complainant in a filthy language and assaulted him with knife. Hence the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and due to previous enmity, a false complaint has been given against him. He would further submit that it is a case and a case in counter. Hence, he prayed for grant of anticipatory bail to the petitioner.



Crl.O.P.No.7756 of 2023

4. The learned Government Advocate (crl.side) appearing for the respondent Police would submit that due to pathway dispute, the petitioner and the defacto complainant have abused and assaulted each other with knife. He would further submit that the injured has been discharged from the hospital. Hence, he opposed for grant of anticipatory bail to the petitioner.

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

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

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the



CrI.O.P.No.7756 of 2023

date on which the order copy made ready, before the learned Judicial Magistrate, Senthamangalam on condition that the petitioner shall execute a 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 petitioner 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 stay at Salem and report before the Inspector of Police, Ammapettai Police Station, daily at 10.30 a.m., for a period of two weeks and thereafter, report before the respondent Police 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;



Crl.O.P.No.7756 of 2023

[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;

12.04.2023

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Crl.O.P.No.7756 of 2023

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Crl.O.P.No.7756 of 2023

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