

Crl.O.P.No.8268 of 2023

A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest for the alleged offences under Sections 147, 384, 434, 511, 341, 430 and 34 of IPC in Crime No.172 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to land dispute between the defacto complainant and his relative, the relative of the defacto complainant has joined together with the elders of the village, who are the petitioners herein, conducted kattai panchayath and excommunicated the defacto complainant and his family members from their village and also directed their village people not to have any relationship with them, if they do so, they will impose fine to them. Hence the case.

3.The learned counsel for the petitioners would submit that the petitioners are innocent person and they have been falsely implicated in this case. He would further submit that the petitioners, other than being the elders in the village, have nothing to do with the alleged offence. He would

also submit that the petitioners are ready to abide by any stringent condition that may be imposed by this Court. 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 land dispute between the defacto complainant and his relative, the relative of the defacto complainant has joined together with the petitioners conducted kattai panchayath and excommunicated the defacto complainant and his family members from their village and also directed their village people not to have any relationship with them, if they do so, they will impose fine to them. He would further submit that no previous case is pending against the petitioners, he opposed for grant of anticipatory bail to the petitioners.

5. Heard the learned counsel for the petitioners as well as the learned Government Advocate (crl.side) 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 on either side and also taking note of the fact that no previous case is pending against the petitioners, 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 No.II, Krishnagiri, 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 stay at Mettur and report before the Inspector of Police, Mettur 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;

[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;

05.06.2023

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