



Crl.O.P.No.8764 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest for the alleged offences under Sections **294(b), 323, 324 and 506 (ii) of IPC**, in Crime No.108 of 2023, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution as per the defacto complainant is that due to land dispute between the petitioners and the defacto complainant, the petitioners assaulted him and his relatives. Hence the case.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not committed any such offences as alleged by the prosecution. He further submits that the 1st petitioner and the defacto complainant are close relatives and due to land dispute a false complaint has been given against these petitioners. He would further submit that in fact the defacto complainant had assaulted the 4th petitioner and he had sustained injuries due to which there was a quarrel which lead to this incident. He would submit that the injured has now been discharged from the hospital. The petitioners have preferred a complaint and



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since it was not registered, the petitioners had approached the Court and the Court has directed the respondent police to register a counter case. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) appearing for the respondent Police would submit that the petitioners and the defacto complainant are close relatives and due to land dispute, the petitioners have brutally assaulted the defacto complainant and she sustained grievous injuries. He would submit that the 4th petitioner was also injured in the incident. However, he fairly admits that the person who sustained injury is now discharged from the hospital after taking treatment.

5. Submissions made by the learned counsels appearing on either side are considered.

6. Taking into consideration the facts of the case and the submissions made by the learned counsel on either side and also the injured is now been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



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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, Polur, Tiruvannamalai District**, 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 Court concerned 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. for a period of two weeks and thereafter every Saturday at 10.30 a.m., until further orders.



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(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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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]***; and;

(f) if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

28.04.2023

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