



Crl.O.P.No.9241 of 2023

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A. D. JAGADISH CHANDIRA, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 294(b), 324, 354 and 506 (ii) of IPC, in Crime No.118 of 2023 seek anticipatory bail.

2. The case of the prosecution as per the de facto complainant is that due to land dispute, the petitioner is alleged to have locked his house in his land and when the same was questioned by the defacto complainant, the petitioner had assaulted the defacto complainant, his mother-in-law and brother-in-law and also abused them in filthy language and it is further alleged that he warned them not to enter the house. Hence the complaint.

3. The learned counsel for the petitioner submitted that it is a case and case in counter. He would further submit that the petitioner is an innocent person and since he is the adjacent land owners, for which, a



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false case has been foisted against him and he has not committed any such offence as alleged by the prosecution. Hence he seeks to grant anticipatory bail in respect of the petitioner.

4. The learned Government Advocate (Criminal side) would submit that this it is a case and a case in counter. Due to land dispute, the petitioner attacked the defacto complainant and his family members and also abused them in filthy language. He further submit that the injured has been discharged from the hospital. Hence, he vehemently opposed to grant anticipatory bail to the petitioner .

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

6. Taking into consideration of the facts and submission that it is a case and a case in counter and also taking note of the fact that the injured has been discharged from the hospital, this Court is inclined to



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grant Anticipatory Bail with certain conditions.

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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 date on which the order copy made ready, before the **learned Judicial Magistrate, Thiruchengodu**, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties 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.



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[b] the petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders.

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

[d] the petitioner 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]**;

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

28.04.2023

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