



Crl.O.P.No.9527 of 2023

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A. D. JAGADISH CHANDIRA, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 294(b), 323 and 506 (ii) of IPC, in Crime No.126 of 2023 seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that, on 19.01.2023 at about 6.00 p.m, when the defacto complainant return to her home, at that time, the second and third petitioners along with other persons are cutting the coconut from her land and the same was informed to the 1st petitioner by the defacto complainant, at that time there was a wordy quarrel arose between them, for which, the petitioners abused her with filthy language and also assaulted with hands. Hence the complaint.

3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and due to wordy quarrel, they have



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been falsely implicated in this case and they have not committed any such offence as alleged by the prosecution. He further submit that the petitioners are ready to abide by any condition that may be imposed by this Court. Hence he seeks to grant anticipatory bail to the petitioners .

4. The learned Government Advocate (Criminal side) would submit that the petitioners along with other persons assaulted the defacto complainant with regard to the cutting of coconut from her land. He further submit that the injured has been discharged from the hospital. Hence, he vehemently opposed to grant anticipatory bail to the petitioners .

5. Heard the learned counsel for the petitioners 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 and also taking note of the fact that the injured has been discharged from the



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hospital, this Court is inclined to grant Anticipatory Bail 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, Walaja**, on condition that the petitioners shall execute a separate bond for a sum of Rs.25,000/- (Rupees Twenty Five 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.



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[b] the petitioners shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter 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;

[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;

28.04.2023

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