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Crl.O.P.No.10001 of 2023

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S.SOUNTHAR, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 323, 324 & 506 (ii) of IPC, in Crime No.214 of 2022, seek anticipatory bail.

2. According to the petitioners, one Poonguzhali w/o of first petitioner preferred a complaint against the defacto complainant on the very same offences and the defacto complainant was arrayed as accused in that case and he was also released on bail.

3. The case of the prosecution is that due to land dispute between the petitioners and the defacto complainant, the petitioners along with other accused had assaulted the defacto complainant. Hence, the case.



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4. The learned counsel for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution. He further submitted that there is a case in counter registered against the defacto complainant and the dispute between them is civil in nature. Hence, he prayed for grant of anticipatory bail to the petitioners.

5. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that due to land dispute between the petitioners and the defacto complainant, the petitioners assaulted the defacto complainant. However, he opposed for grant of anticipatory bail to the petitioners.

6. Heard both sides and perused the materials available on record.



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7. Taking into consideration the facts and circumstances of the case and also considering the fact that this is a case regarding land dispute and also no previous case against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. 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, Vanur**, on condition that the petitioners shall execute separate bonds 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



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photographs and Left Thumb Impression in the surety bond and the Magistrate shall obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent police once in a week at 10.30 a.m. for a period of four weeks and thereafter as and when required for interrogation.

[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.

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