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Crl.O.P.No.10025 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 offences punishable under Sections 147, 148, 294(b), 323, 324, 506(ii) and 379 of IPC in Crime No.72 of 2023, seek anticipatory bail.

2. The case of the prosecution is that due to land dispute, the petitioners have trespassed into the house of the defacto complainant, abused him and his family members and assaulted them and also snatched two gold chains belonging to the defacto complainant's side. Hence the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and due to an existing civil dispute, a false complaint has been given against them. He would further submit that the petitioners are ready to abide by any stringent condition that may



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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 would submit that the petitioners and the defacto complainant are adjacent land owners and due to civil dispute, the petitioners have trespassed into the house of the defacto complainant, abused and assaulted the defacto complainant and his family members and also snatched two gold chains belonging to the defacto complainant's side. He would further submit that the injured has been discharged from the hospital. However, he vehemently opposed to grant bail to the petitioners.

5.Heard the learned counsel and perused the entire materials available on record including the First Information Report.

6. Taking into consideration the facts of the case and the submissions made by the learned counsel on either side and also of the



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fact that the injured has been discharged from the hospital, this Court is inclined to grant 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, Vanur 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 Krishnagiri and report before the Inspector of Police, Krishnagiri



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Town Police Station, everyday at 10.30 a.m., for a period of two weeks and thereafter, report before the respondent Police, everyday 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;

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