



Crl.O.P.No.10622 of 2023

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K.KUMARESH BABU, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 447, 294(b), 323, 324, 427 and 506(ii) IPC in Crime No.267 of 2023, seek anticipatory bail.

2. The case of the prosecution is that on account of a land dispute between the petitioners and the defacto complainant, the petitioners/A1, A3 and A4 are alleged to have trespassed into the defacto complainant's land and tried to put up construction and when the same was questioned by defacto complainant, they picked up wordy quarrel with him and also attacked him with hands and also damaged the front mirror of his car. Hence, the case.

3. The learned counsel for the petitioners submitted that the petitioner have not committed any offence as alleged by the prosecution and a false case has been foisted against them. Hence, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the petitioners picked up wordy quarrel with the defacto complainant and also damaged their car. He also



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submitted that no injuries have been caused against the defacto complainant. However, he opposed for grant of anticipatory bail to the petitioners.

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

6. Taking into consideration, the facts and circumstances of the case and also of the fact that no injuries have been caused against the defacto complainant, this Court is inclined to grant anticipatory 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 No.II, Thirupathur**, on condition that the petitioners shall execute bond for a sum of Rs.10,000/- (Rupees Ten 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



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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 report before the respondent police 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.

17.05.2023

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