



Crl.O.P.No.11235 of 2023

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WEB CO **K.KUMARESH BABU, J.**

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b), 323, 324 and 506(ii) of IPC, in Crime No.213 of 2023, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant's father was using a common well. On 29.04.2023, the first petitioner and the defacto complainant having a dispute with regard to the usage of the common well, as a result of which, a wordy quarrel arose between them. Thereafter, on 02.05.2023, the first petitioner and other accused are said to have attacked the defacto complainant's father with wooden rod. Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioners.



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4. The learned Government Advocate (Crl. Side) would submit that there is a case and a counter case pending between the parties. However, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Considering the above fact and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. 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 is made ready, before the learned **District Munsif cum Judicial Magistrate, Vazapadi, Salem, Salem District**, 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



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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 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.

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