



Crl.O.P.No.12153 of 2023

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V.LAKSHMINARAYANAN, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Section 294(b), 324, 341, 427 and 506(ii) of I.P.C. in Crime No.301 of 2023, on the file of respondent police, seek anticipatory bail.

2. The case of prosecution is that the petitioners and defacto complainant are adjacent landowners and there is a dispute pending between them with regard to agricultural land, due to which, on 14.05.2023 around 03.00 p.m., when the husband of defacto complainant ploughing the land, the petitioners said to have prevented him, due to which there was a wordy quarrel between the petitioners and the defacto complainant, thereby they assaulted her with wooden logs, in which, she sustained injuries and she was admitted in the hospital for treatment. Hence, the complaint was registered against the petitioner.

3. The learned counsel appearing for petitioners submitted that the



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entire allegation is false, vindictive, wanton and they are no way connected with the offence. He would submit that they have not at all committed any of offence as alleged by the respondent police and due to previous enmity, they have been falsely implicated in this case and they will abide by any condition that may be imposed by this court. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that on the date of occurrence, due to previous enmity, when defacto complainant's husband ploughing the land, the petitioners have prevented him, due to which, there was a wordy quarrel between the petitioners and the defacto complainant, thereby they assaulted her, in which she sustained injuries and subsequently after treatment, she was discharged from the hospital. He would submit that that if he is released on anticipatory bail, he may tamper the witnesses and hamper the investigation and now the investigation is almost completed. Hence, he vehemently opposed to grant bail to the petitioner.



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5. Considering the above facts and circumstances of the case, and considering the fact that the investigation is almost completed and the fact that injured discharged from the hospital, 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 made ready, before the learned Judicial Magistrate, Omalur, Salem District, on condition that the petitioners shall execute a 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 appear before the Town



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Police Station, Coimbatore everyday at 10.30 a.m. for the period of four weeks and thereafter, they shall appear before the respondent police everyday at 10.30 a.m. for the period of four weeks and thereafter, as and when required for investigation.

[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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