



Crl.O.P.No.12538 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 294(b), 323, 324, 506(ii) of IPC in Crime No.133 of 2023, seek anticipatory bail.

2. The case of the prosecution is that on account of land dispute, the petitioners has abused the defacto complainant in filthy language and also assaulted the him with bamboo sticks, resulting in sustaining injuries. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners and the defacto complainant are relatives and due to land dispute, a false complaint has been foisted against him. He further submitted that the petitioner has not committed any offence as alleged by the prosecution. Hence, he seeks for anticipatory bail to the petitioners.



Crl.O.P.No.12538 of 2023

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4.The learned Government Advocate (Crl. Side) appearing for the respondent Police would submit that due to land dispute, the petitioners assaulted the defacto complainant with bamboo sticks. He further submitted that the injured has been discharged from the hospital. He further submitted that the first petitioner has two previous cases pending against and the second petitioner has got no previous case against him and thereby, he opposed for grant of anticipatory 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 and taking note of the fact that the first petitioner has two previous cases pending against him, in respect of first petitioner, this petition is dismissed and as far as the second petitioner is concerned, there is no previous case, pending against him and this Court is inclined to grant anticipatory bail to the second petitioner with certain conditions.



CrI.O.P.No.12538 of 2023

WEB COPY

7. Accordingly, the second petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Rasipuram, on condition that each of 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 second petitioner 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 second petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

[c] the second petitioner shall not tamper



CrI.O.P.No.12538 of 2023

with evidence or witness either during investigation or trial;

[d] the second petitioner 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 second petitioner in accordance with law as if the conditions have been imposed and the second petitioner 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;

14.06.2023

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Crl.O.P.No.12538 of 2023

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Crl.O.P.No.12538 of 2023

14.06.2023