



Crl.O.P.No.12827 of 2023

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WEB CO **A.D.JAGADISH CHANDIRA, J.**

The petitioners, who apprehend arrest for the alleged offences under Sections 294(b), 323, 324 and 506(ii) of IPC in Crime No.35 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to land dispute, the petitioners have abused the defacto complainant and his family members in a filthy language and also assaulted them with iron pipe and using their hands. Hence the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and due to previous enmity, a false complaint has been given against them. He would further submit that infact the defacto complainant has assaulted the 4th petitioner and based on the complaint given by the 4th petitioner, a counter case in Crime No.36 of 2023 has also been registered against the defacto complainant. Hence, he prayed for grant of anticipatory bail to the petitioners.



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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 have abused the defacto complainant and his family members in a filthy language and also assaulted them with iron pipe and using their hands. He would further submit that the injured has been discharged from the hospital and it is a case and a case in counter. Hence, he opposed for grant of anticipatory bail to the petitioners.

5. Heard the learned counsel for the petitioners as well as the learned Government Advocate (crl.side) and perused the entire materials available on record.

6. Considering the above facts and circumstances of the case and the submissions made by the learned counsel on either side and also of the fact that the injured has been discharged from the hospital and it is a case and a case in counter, 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 District Munsif cum Judicial Magistrate, Sendurai, 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 1 and 3 shall report before the respondent Police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation; the petitioners 2 and 4 shall report before the respondent Police daily at 10.30 a.m., for a period of four weeks and thereafter, on every Saturday at 10.30 a.m., until further orders;



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[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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