



Crl.O.P.No.13196 of 2023

Crl.O.P.No.13196 of 2023

WEB COPY

A.D.JAGADISH CHANDIRA,J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 324 and 506(ii) of IPC, in Crime No. 129 of 2023, seek anticipatory bail.

2. The case of the prosecution is that the petitioners on account of financial dispute and property dispute had assaulted the defacto complainant with sticks. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He further submit that the defacto complainant has assaulted the petitioners and based on the complaint given by the petitioners, a counter case has also been registered against the defacto complainant for the offence under Sections 294(b), 323, 324 of IPC in Crime No.130 of



Crl.O.P.No.13196 of 2023

WEB COPY

2023. Therefore, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent Police would submit that due to property dispute the petitioners assaulted the defacto complainant with sticks causing injuries to him. He further submitted that the injured has been discharged from the hospital and it is a counter case. However, he opposed for grant of anticipatory bail to the petitioners.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) and perused the materials available on record.

6. Considering the above fact and circumstances of the case and also considering the fact that the victim has been discharged from the hospital, 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



Crl.O.P.No.13196 of 2023

days from the date on which the order copy is made ready, before the **learned Judicial Magistrate Court No.II, Namakkal**, on condition that the petitioners shall execute separate 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 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 stay at Yercaud and report before the Inspector of Police, Yercaud Police Station everyday at 10.30 a.m, for a period of two weeks and thereafter shall appear before the respondent police on every Saturday at 10.30 a.m, until further orders.

[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,



Crl.O.P.No.13196 of 2023

WEB COPY

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.

15.06.2023

drl

A.D.JAGADISH CHANDIRA,J.



WEB COPY



Crl.O.P.No.13196 of 2023

drl

Crl.O.P.No.13196 of 2023

15.06.2023