



Crl.O.P.No.13535 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 alleged offences punishable under Sections 294(b), 323 and 324 of IPC in Crime No. 104 of 2023, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that, due to property dispute, the petitioners have abused the defacto complainant and also assaulted him with wooden log, thereby causing injuries to him. Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and due to wordy quarrel, a false complaint has been given against him. He further submitted that they have not committed any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioners.



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4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that due to property dispute, there was a wordy quarrel between the petitioners and the defacto complainant, for which, the petitioners attacked the defacto complainant with a wooden log causing injuries to him. He further submitted that the injured has been discharged from the hospital. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

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

6. Taking into consideration the facts of the case and the submissions made by the learned counsel and also the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



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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 Judicial Magistrate, Arni**, on condition that the petitioners shall execute 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 shall report before the respondent police for a period of two weeks and thereafter 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.



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[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.

20.06.2023

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