



Crl.O.P.No.14442 of 2023

Crl.O.P.No.14442 of 2023

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, 427, 436 of IPC in Crime No.178 of 2023, seek anticipatory bail.

2. The case of the prosecution is that due to land dispute, the petitioners have abused the defacto complainant in filthy language and attacked the husband of the defacto complainant. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners and the defacto complainant are close relatives. He would further submit that due to land dispute, a false complaint has been foisted against the petitioners. He also submitted that they are ready to abide by any stringent condition that may be imposed by this Court. Hence, 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 land dispute, the petitioners



Crl.O.P.No.14442 of 2023

have abused the defacto complainant in filthy language and attacked the husband of the defacto complainant. He would further submit that there is no injuries. However, he objects for the grant of anticipatory bail to the petitioner.

5. Heard both sides 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 on either side, this Court is inclined to grant 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 **Judicial Magistrate No.IV, Salem**, on condition that the petitioners shall execute searpate 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



Crl.O.P.No.14442 of 2023

WEB COPY

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 everyday at 10.30 a.m., for a period of three weeks and thereafter, 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, 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]**;



WEB COPY



Crl.O.P.No.14442 of 2023

A.D.JAGADISH CHANDIRA, J.

[f] If the accused thereafter absconds, a
fresh FIR can be registered under Section 229A IPC;

28.06.2023

Lpp

Crl.O.P.No.14442 of 2023