



Crl.O.P.No.15401 of 2023

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G.CHANDRASEKHARAN. J.

The petitioners who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 341, 294 (b), 323, 324 & 506(2) IPC in Crime No.127 of 2023, on the file of the respondent police, seek anticipatory bail.

2. Learned counsel for the petitioners submitted that there is a previous enmity between petitioners and defacto complainant. In connection with the incident, there is a complaint given by first petitioner against the defacto complainant and his associates, which was registered in Crime No.128 of 2023. Apprehending arrest, this petition is filed.

3.In response, the learned Government Advocate (Crl.side) submitted that in connection with the land dispute, there is a previous enmity between the parties and therefore on 15.06.2023, at about 7.30 a.m., defacto complainant was beaten by the accused. Second petitioner gave the spade to the first petitioner to hit the defacto complainant. First petitioner hit the defacto complainant with Spade indiscriminately,



Crl.O.P.No.15401 of 2023

thereby, he suffered injuries in his back and hip and fracture in the right leg.

4.Considering the nature of the offences and the injuries caused to the defacto complainant, this Court is not inclined to grant anticipatory bail to the first petitioner. Considering the fact that the second petitioner is a lady, she is ordered to be released on bail in the event of her arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned Judicial Magistrate, Omalur**, on condition that 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 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



Crl.O.P.No.15401 of 2023

the respondent police everyday at 10.30 a.m. until further orders.

[c] the second petitioner shall not tamper 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.

5.Accordingly, this Criminal Original Petition is dismissed as against the first petitioner and allowed as against the second petitioner.

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14.07.2023



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