



Crl.O.P.No.15415 of 2023

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G.CHANDRASEKHARAN. J.

The petitioners namely Rajendran, Ramesh, Radhakrishnan, Anbalagan, Mookayi and Usha, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 147, 148, 294(b), 324 & 506(2) of IPC in Crime No.436 of 2020 pending on the file of the respondent police, seeks anticipatory bail.

2. The learned counsel for the petitioners submitted that, petitioners are innocent persons and they have been falsely implicated in a case registered for the offences under Sections 147, 148, 294(b), 324 & 506(2) of IPC in Crime No.436 of 2020. He further submitted that, there is a counter case in Crime No.435 of 2020, based on the complaint given by 2nd petitioner against the defacto complainant and others. He further submitted, petitioners were already granted anticipatory bail during the COVID-19 in E-Bail No. 39 of 2020 on 28.04.2020. Because of pandemic situation, petitioner could not comply with the condition. Therefore, on the basis of the petition filed by the defacto complainant, anticipatory bail granted to the petitioners was cancelled. Now, petitioner filed present petition seeking anticipatory bail.



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3. The learned counsel for the intervenor/defacto complainant opposes the petition on the ground that, even after the incident, petitioners are harassing the defacto complainant and his family members and they are not allowing the defacto complainant and his family members to use the common pathway.

4. The learned Government Advocate (Crl. Side) submitted that, investigation in this case is still pending.

5. From the FIR allegations, it is seen that, there is a land and common pathway dispute between the defacto complainant's family members and accused. There is also a suit in O.S.No.430 of 2013 is pending on the file of the District Munsiff Judge, Perambalur. On 13.04.2020 at about 07.30.a.m., when the defacto complainant's son was using the common pathway, accused had attacked the defacto complainant's son Muthusamy with aruval. Thereby, he suffered injuries.



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6. From the facts narrated by the learned counsel appearing for the parties, petitioners were already granted anticipatory bail and subsequently it was cancelled for non-compliance of the conditions. Not only that, FIR in this case was registered on 15.04.2020, but till now, accused are not arrested and investigation is not completed. It shows lack of interest shown by the respondent police in arresting the accused and completing the investigation. Therefore, this Court is inclined to grant anticipatory bail to the petitioners for the reason that custodial interrogation of the petitioners is not necessary in this case, at this distant point of time.

7. Accordingly, 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 Principal District and Sessions Judge, Perambalur** on condition that the petitioners shall execute separate bond for a sum of **Rs.25,000/- (Rupees Twenty Five 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



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concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] 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 daily at 10.30.a.m., until further orders

[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioners shall not tamper with evidence or witness 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.

25.07.2023



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