



Crl.O.P.No.16474 of 2023

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G.CHANDRASEKHARAN. J.

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offences under Section 147, 148, 294 (b), 324 and 506 (i) of I.P.C. 1860 in Crime No.68 of 2021 on the file of the respondent police, seek anticipatory bail.

2.It is the submission of learned counsel for the petitioners that petitioners are falsely implicated as accused in Cr.No.237 of 2023 registered for the offences under Section 341, 294 (b), 323, 324 and 506 (ii) of I.P.C. in connection with the pathway dispute. Though the First Information Report was registered in 2021, till now respondent has not arrested the petitioners. Custodial interrogation of the petitioners is not necessary. Apprehending arrest, this petition is filed seeking anticipatory bail.

3.In response, the learned counsel Government Advocate (Criminal side) submitted that A3 had placed a stone in a pathway.



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Therefore, the defacto-complainant and his family members questioned the third accused, on 05.05.2020, the accused had assaulted the defacto-complainant and his family members. As a result, they suffered injuries, treated and discharged. Thus, First Information Report was registered on 25.02.2021. Till date, the respondent Police has not taken any steps for arresting the petitioners.

4.Considered the rival submissions and perused the records.

5.Considering the fact that the civil dispute gave rise for the criminal offence, that injured had been treated and discharged, and the fact that respondent Police deems it fit not to arrest the petitioners till now, this Court is of the view that custodial interrogation of the petitioners is not necessary. Thus, this Court is inclined to grant anticipatory bail to the petitioners. 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 Judicial Magistrate, Cheyyar**, on condition that the



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petitioners shall execute a bond for a sum of **Rs.10,000/- each (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 first petitioner shall report before the Maduravayol Police Station everyday at 10.30 a.m., until further orders; petitioners 2 to 9 shall report before the respondent Police Station everyday 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



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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].

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

27.07.2023

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