



Crl.O.P.No.16808 of 2023

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A.D.JAGADISH CHANDIRA,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 324, 506(ii) of IPC in Crime No.133 of 2023, registered on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that on account of land dispute, the accused had abused the *de facto* complainant in filthy language and also assaulted him with bamboo sticks, resulting in him sustaining injuries. Hence the case.

3. Learned Counsel for the petitioner submitted that this is the second application for bail filed by the petitioner and this Court had dismissed the earlier bail application filed by the petitioner in Crl.O.P.No.12538 of 2023 vide order dated 14.06.2023, on considering the previous antecedents of the petitioner. He further submitted that the previous cases pending against the petitioner were registered prior to 2020 with regard to the property disputes and for the past three years, the petitioner has not



Crl.O.P.No.16808 of 2023

been involved in any offence. He also submitted that the injured has also been discharged from the hospital and also submitted that the similarly placed co-accused has been granted anticipatory bail by this Court. He further submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court and he will co-operated for the further investigation. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that due to land dispute, the petitioner along with other accused, had abused and assaulted the *de facto* complainant with bamboo sticks, due to which, he sustained injuries. He further submitted that the injured has been discharged from the hospital and investigation in this case is still pending. He also submitted that this is the second bail application of the petitioner and the earlier bail application was dismissed on the ground that two previous cases are pending against the petitioner. He fairly conceded that the previous cases were registered prior to 2020 and no case was registered against him very recently. However, he vehemently opposed for grant of anticipatory bail to the petitioner.



Crl.O.P.No.16808 of 2023

WEB COPY

5. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and considering the fact that the similarly placed co-accused has been granted anticipatory bail by this Court, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy is made ready, before the **learned Judicial Magistrate, Rasipuram**, on condition that the petitioner shall execute a 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:



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Crl.O.P.No.16808 of 2023

[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 petitioner shall report before the respondent Police, everyday at 10.30a.m. until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the 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 abscond, a fresh FIR can be registered under Section 229A IPC.

27.07.2023

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Crl.O.P.No.16808 of 2023

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Crl.O.P.No.16808 of 2023

27.07.2023