



Crl.O.P.No.18021 of 2023

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WEB C.V.SIVAGNANAM, J.

The Petitioners, who apprehend arrest at the hands of the Respondent police for the offence punishable under Sections 294(b), 324 & 506(ii) of IPC in Crime No.198 of 2023 on the file of the Respondent police, seek anticipatory bail.

2.The case of the prosecution is that, on 17.07.2023 at 20.00 P.M., the defacto complainant went to see his vacant land of 2.5 cent adjacent to his house at Vinayahar Koil Street, at that time the accused came there and abused the defacto complainant with filthy words and attacked him with Weapon (Rod). The defacto complainant got injured in his hand and admitted in Gokul Poly Clinic, Udumalai. Hence the complaint.

3.The learned Counsel for the Petitioners would submit that, the respondent falsely implicated the Petitioners in the present case and similar case has been registered against the defacto complainant for the same disputes u/s 294(b), 323 IPC and Sec 4 of TNPWH Act in Crime No.199 of 2023 on the file of Inspector of Police, Gudimangalam. The learned counsel for the Petitioner would further submit that the entire case is purely based on civil dispute and the measurement of the vacant land property has been finalized with proper Government Survey Officer, and the present FIR has been registered against the



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Petitioner on false and bogus facts. Hence, the learned counsel for the Petitioners prays for grant of anticipatory bail to the Petitioners.

4.The learned Government Advocate (Criminal Side) for the Respondent would submit that the injured has already been discharged from the Hospital and he vehemently opposed to grant anticipatory bail to the Petitioner.

5.Heard both sides and perused the materials available on record.

6.Taking into consideration the facts and the submissions made by the learned counsel on either sides and the fact that the injured has already been discharged from the hospital, this Court is inclined to grant anticipatory 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 **Judicial Magistrate Court II, Udumalpet** on condition that the Petitioners shall execute a 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:



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[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 as and when required;

[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]**.

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

14.08.2023

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V.SIVAGNANAM, J.

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