



Crl.O.P.No.18940 of 2023

RMT.TEEKAA RAMAN, J.

The petitioners/A1 to A3, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 294(b), 323 and 506(i) of IPC in Crime No.498 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that due to property dispute, the petitioner along with his son and daughter scolded the de-facto complainant in filthy language and also attacked him with iron rod and also threatened him with dire consequences. Hence the complaint.

3. The learned counsel for the petitioners would submit that the petitioners were innocent and they were falsely implicated in this case. The de-facto complainant grabbed the properties of first petitioner/A1 and not taking proper care of the first petitioner and the first petitioner gave a complaint before the Revenue Divisional Officer against the de-facto complainant. The de-facto complainant who is a present political ruling party. Hence, the de-facto complainant with ill intention lodged this false complaint against these petitioners. Hence, he prayed for grant of anticipatory bail to the petitioners.



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4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that due to property dispute, the petitioners joint together and assaulted the de-facto complainant. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5.Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

6.Considering the above facts and circumstances of the case, the submissions made by the learned counsel on either side, 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 learned Judicial Magistrate No.1, Mayiladuthurai, on condition that



the petitioners shall execute his own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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 petitioners shall report before the respondent Police 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 with law as if the conditions have been imposed and the petitioners released on



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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;

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