



Crl.O.P.No.19050 of 2023

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RMT.TEEKAA RAMAN, J.

The Petitioners, who apprehend arrest at the hands of the Respondent police for the offence punishable under Section 147, 294(b), 323, 427, 506(i) of IPC in Crime No.219 of 2023 on the file of the Respondent police, seek anticipatory bail.

2.The case of the prosecution is that the Petitioners and the Defacto Complainant are close relatives, on 07.07.2023 due to the previous enmity and the issue between the parties in sharing of properties, there was a quarrel between them and at that time the Petitioners assaulted and caused injuries to the Defacto Complainant and her Father. Hence the complaint.

3.The learned Counsel for the Petitioners would submit that the Defacto Complainant and her family members assaulted the Petitioners and due to which the first Petitioner lodged a complaint in Cr.No.218 of 2023 against the Defacto Complainant and three others and one accused already remanded to judicial custody. The Petitioners are innocent Persons and no way connected with the commission of offences as alleged by the prosecution. Hence, the learned counsel for the Petitioner prays for grant of anticipatory bail to the Petitioners.

4.The learned Government Advocate (Crl. Side) for the Respondent



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would submit that the matter is arising out of a land dispute between the parties and it is a case in counter. He vehemently opposed to grant anticipatory bail to the Petitioner.

5.Heard the learned counsel on either side and perused the 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 also taking note of the fact that the Petitioners have come forward to deposit an amount of Rs.5,000/- to the credit of crime number, this Court is inclined to grant bail to the Petitioner with certain conditions.

7.Accordingly, the Petitioners are directed to deposit a sum of Rs.5,000/- (Rupees five thousand only)to the credit of Crime No.219 of 2023, without prejudice to their rights and contentions before the trial Court and on such deposit and production of proof before the trial Court, 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, Arakkonam, Ranipet District**, 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



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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 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 for interrogation;

[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.

25.08.2023

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