



Crl.O.P.No.19622 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 Sections 294(b), 323, 324 and 506(ii) of IPC, in Crime No. 164 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 neighbours and due to land dispute, the petitioners had set fire on the fencing of the defacto complainant and when the defacto complainant went to the house of the accused and questioned the same, they abused him in filthy language and assaulted him with wooden logs and caused injuries. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely roped in this case. He would further submit that due to previous enmity between the petitioners and the defacto complainant in respect of pathway dispute, a



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false complaint has been given. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) for the respondent police would submit that the petitioners and the defacto complainant are adjacent land owners and due to pathway dispute, the petitioners had set fire on the fencing of the defacto complainant and when the defacto complainant questioned the same, the petitioners abused him in filthy language and assaulted him with wooden loge. He would further submit that the injured has been discharged from the Hospital. However, he objected to grant anticipatory bail to the petitioners.

5. Taking into consideration the facts and circumstances and also taking note of the fact that the injured has been discharged from the Hospital, I am inclined to grant anticipatory bail to the petitioners subject to the following conditions:



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6. 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 No.II, Perambalur**, on condition that the petitioners shall execute separate bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** each with two sureties 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 petitioners shall report before the respondent police daily at 10.30 a.m for a period of four weeks and thereafter, as and when required for interrogation.



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[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 absconds, a fresh FIR can be registered under Section 229A IPC.

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