



Crl.O.P.No.20022 of 2023

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RMT.TEEKAA RAMAN, J.

The petitioners/A1 to A4, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 294(b), 323, 324 and 506(2) of IPC, in Crime No.91 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is the lessee of the land and the 1st petitioner is the owner of the adjacent land. There was a common well which is used by 10 members for irrigation. On 12.08.2023, the de-facto complainant went to switch on motor he found 2 fuse carriers were missing and he taken 3 other carriers and informed the same to lessor to repay the lease amount. The 1st petitioner came and shouted the de-facto complainant with filthy words and attacked by using coconut leaf-stalk and attacked the de-facto complainant's wife and son by using knife and stone, and they sustained injury. Hence the case.



CrI.O.P.No.20022 of 2023

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3. The learned Counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that it is a case and a case in counter. Hence, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that A1 is already arrested and released on bail. He further submits that it is a case and a case in counter and the injured has been discharged from the hospital. However, he opposed for grant of anticipatory bail to the petitioners.

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

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel on either side and also of the fact that the injured has been discharged from the hospital and the A1 is already arrested and released on bail, this Court is inclined to grant anticipatory bail to the petitioners.



Crl.O.P.No.20022 of 2023

WEB COPY

7. As far as the 1st petitioner is concerned, he is already arrested and released on bail, the petition is dismissed with regard to A1.

As far as, the 2 to 4 petitioners concerned, they 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-1, 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:

[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;



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CrI.O.P.No.20022 of 2023

[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.

04.09.2023

nvi



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Crl.O.P.No.20022 of 2023

RMT.TEEKAA RAMAN, J.

nvi

Crl.O.P.No.20022 of 2023

04.09.2023