

CrI.O.P.No.20397 of 2023**RMT.TEEKAA RAMAN, J.**

WEB COPY

The petitioner, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 294(b), 323 and 506(ii) of I.P.C, in Crime No.223 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 15.08.2023, the petitioner cultivating a finger millet in his land the de-facto complainant interrupt and raise dispute stating the said land was owned by de-facto complainant. At this juncture, the petitioner abused and assaulted the de-facto complainant. Hence the case.

3. The learned Counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that it is a civil dispute between the petitioner and the de-facto complainant and the petitioner is the owner of the property due to wordy quarrel the petitioner assaulted de-facto complainant and sustained injury and the injured has been discharged



from the hospital. However, he opposed for grant of anticipatory bail to the petitioner.

WEB COPY

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, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the petitioner is 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, Denkanikottai**, 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:



WEB COPY



[a] the petitioner 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 petitioner shall report before the respondent Police, everyday at 10.30 a.m., until further orders;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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.

08.09.2023

nvi



WEB COPY

Crl.O.P.No.20397 of 2023



RMT.TEEKAA RAMAN, J.

nvi

Crl.O.P.No.20397 of 2023

08.09.2023