

Crl.O.P.No.20751 of 2023

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), 323,324,307 and 506(ii) of IPC, in Crime No.171 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and the de-facto complainant's families are pungalies and there was a long pending land dispute between them regarding using of common pathway. On 28.10.2022, when the de-facto complainant's son were in their land at that time the petitioners along with another person came in a Tractor by loading paddy bags through their land, on seeing them and the same was questioned by the de-facto complainant. Hence, they exchanged heated words and attacked each other with deadly weapons like wooden stick and aruval and they were sustained bleeding injury. Hence the case.

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

the petitioners.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that there is a pathway dispute between the petitioners and the de-facto complainant and on the date of occurrence due to wordy quarrel the petitioners assaulted and attacked the de-facto complainant by using wooden stick and aruval and the de-facto complainant sustained simple injury and the injured has been discharged from the hospital. However, he opposed for grant of anticipatory bail to the petitioner.

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 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.III, Thirupathur**, 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;

[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.

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