



Crl.O.P.No.21385 of 2023

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RMT.TEEKAA RAMAN, J.

The petitioners/A1 and A2, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 294(b), 324 and 506(i) of IPC, r/w.Sec 4 of TNPHW Act in Crime No.348 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that there is a land dispute between the petitioner and the de-facto complainant. On 28.07.2023, when the de-facto complainant went to clean the disputed property, the first petitioner questioned her and abused her with filthy language. Hence the de-facto complainant returned back. When the second petitioner waylaid the de-facto complainant while she returning to her residence and abused her with filthy language and attacked with iron pipe on her shoulder and thereafter pulled her saree and pushed into the water channel and also threatened. Hence the case.

3. The learned Counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely



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implicated in this case. He also submits that as far as the second petitioner is concerned, he made an endorsement that not pressed the second petitioner. Hence, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that due to land dispute, the first accused questioned her and abused her with filthy language. Hence the de-facto complainant returned back. When the second accused waylaid the de-facto complainant while she returning to her residence and abused her with filthy language and attacked with iron pipe on her shoulder and thereafter pulled her saree and pushed into the water channel and also threatened. Hence, 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, this Court is inclined to grant anticipatory bail to the petitioners.



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7. Accordingly, as far as the second petitioner is concerned, the learned counsel for the petitioners made an endorsement to withdraw the petition. The first 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-I, Mannargudi, Tiruvarur 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 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 first 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.



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

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

[d] the first 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 first petitioner in accordance with law as if the conditions have been imposed and the first petitioner 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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