

CrI.O.P.No.22481 of 2023**C.V.KARTHIKEYAN, J.**

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The petitioner/A3, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 147, 148, 294(b), 324, 307 of I.P.C and Section 3(1) of PDPP Act, in Crime No.247 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the 3rd accused is the friend of 1st accused who is a neighbour of the de-facto complainant. The de-facto complainant was doing business in the name of "MV Travels"for the past 14 years. There is a land dispute between the de-facto complainant's family and the first accused family. On 08.08.2023, while the de-facto complainant was talking with his family members, the accused (A1-A12) and others came with a steel rod and wooden log. Subsequently, the 4th accused and 5th accused assaulted the elder brother of the de-facto complainant and 7th and 8th accused assaulted the father of the de-facto complainant. Meanwhile, 9th, 10th and 12th assaulted the de-facto complainant and 7th and 11th accused assaulted the younger brother of the de-facto complainant. Hence the case.



3. The learned counsel for the petitioner would submit that the petitioner is an innocent person the 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 due to land dispute, the petitioner damaged the de-facto complainant's car and assaulted the de-facto complainant and his family members. A1 and A2 had been arrested and released on bail and the injured persons have been discharged from the hospital. Hence, 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, considering the relationship between the parties, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, **petitioner is directed to deposit a sum of Rs.5,000/- (Rupees Five thousand only) to the credit of Crime No.247 of 2023, before the concerned Magistrate Court, within a period of two weeks from the date on which the order copy made ready, in case**



of default to deposit the same before the crime number, the said amount handed over to the de-facto complainant and accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate-II, Attur, Salem District**, on condition that the petitioner 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 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]**petitioner is directed to deposit a sum of Rs.5,000/- (Rupees Five thousand only) to the credit of Crime No.247 of 2023, before the concerned Magistrate Court within a period of two weeks from the date on which the order copy made ready, in case of default to deposit the same before the crime number, the said**



amount shall be handed over to the de-facto complainant .

[c] the petitioner shall report before the respondent Police, on every friday at 10.30 a.m., until further orders;

[d] the final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of the trial;

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

[f] the petitioner shall not abscond either during investigation or trial.

[g] 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]**.

[h] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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