



Crl.O.P.No.23067 of 2023

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C.V.KARTHIKEYAN,J.

The petitioners seek anticipatory bail in Crime No.507 of 2023 registered by the respondent police for the offences punishable under Sections 294(b), 323, 324, 506(ii) of IPC r/w Section 4 of Women Harassment Act.

2. It has been stated that the occurrence had took place on 22.09.2023. The petitioners and the defacto complainant who are relatives and cousin brothers, due to a dispute with respect to the property, had a wordy quarrel leading to assault.

3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further stated that the petitioners also lodged a counter complaint as against the defacto complainant which has been registered in Crime No.506 of 2023. Hence, he prays for grant of anticipatory bail to the petitioners.



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4. The learned Government Advocate (Crl. Side) for the respondent submitted that due to property dispute, the petitioners abused the defacto complainant in filthy language and assaulted him. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. In view of the circumstances and also taking into consideration the fact that the petitioners have also given a counter complaint and the same has been registered in Crime No.506 of 2023, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

6. 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 **Judicial Magistrate No.II, Tiruvallur, Tiruvallur District**, on condition that the petitioners shall execute separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** each with two sureties for a like sum to the satisfaction of the respondent police or the police officer



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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 2nd and 3rd petitioners shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation and the 1st petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of one week and thereafter, as and when required for interrogation.

[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



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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 absconds, a fresh FIR can be registered under Section 229A IPC.

06.10.2023

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