



Crl.O.P.No.25486 of 2023

C.V.KARTHIKEYAN, J.

WEB COPY

The petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 294(b), 323, 447, 341 and 506(ii) of I.P.C, in Crime No.198 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is a land broker and it is stated that without the knowledge of the second petitioner he is alleged to have sold an extent of 3 acres and 81 cents situated in Survey Nos.16/7 and 59/3 at Koondhalur village. The above said act accelerated the violence. Hence the case.

3. The learned Counsel for the petitioner 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 submits that without the knowledge of the second petitioner the de-facto complainant had sold an extent of 3 acres and 81 cents situated in Survey Nos.16/7 and 59/3 at Koondhalur village which leads to violence. However, he opposed to 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.

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.1, Ulundurpet**, 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



WEB COPY



respondent Police, on every Monday at 10.30 a.m., for a period of two weeks and thereafter as and when required;

[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.

07.11.2023

nvi



WEB COPY

Crl.O.P.No.25486 of 2023



C.V.KARTHIKEYAN, J.
nvi

Crl.O.P.No.25486 of 2023

07.11.2023