



Crl.O.P.Nos.1903 & 1907 of 2024

Crl.O.P.Nos. 1903 & 1907 of 2024

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C.V.KARTHIKEYAN, J.

The accused Nos. 1 and 3 has filed Crl.O.P.No. 1903 of 2024 and the accused Nos. 4 to 6 has filed Crl.O.P.No. 1907 of 2024, both in Cr.No. 843 of 2023 registered under Sections 294(b), 341, 323 and 506(i) of IPC, 1860 read with Section 4 of the Prohibition of Harassment of Women Act, 2002, seek anticipatory bail.

2. The Petitions seeking anticipatory bail had come up for consideration earlier in Crl.O.P.Nos. 27685 & 27686 of 2023 and by an order dated 08.12.2023, the petitions were dismissed. It is stated that the defacto complainant had filed a writ petition about encroachment in water bodies by the petitioners. It is stated that the revenue authorities had tried to enforce such order wherein, the petitioners are said to have exercised influence on the defacto complainant and the complaint had been withdrawn.

3. It is also stated by the learned Government Advocate (Crl.Side) that all those who were in possession of the lands had put up fence surrounding their respective lands. It is also contended that the issue arose out of are permitting cattle to graze on the land. This dispute escalated into violence.



4. It is also stated that originally a complaint had been lodged before the respondent but since it had not been taken cognizance, an Application has been filed under Section 156(3) Cr.P.C., and on directions from the jurisdictional Magistrate, the present FIR came to be registered.

5. Taking all the factors into consideration, this Court is inclined to grant anticipatory bail to the petitioners with certain 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 learned Additional Mahila Court, Salem, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each 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 this Court 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 appear before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.



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

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