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Crl.OP.No.4651 of 2024

Crl.O.P.No.4651 of 2024

**C.V.KARTHIKEYAN,J.**

The petitioners/accused in Crime No.41 of 2024 registered by the respondent police for the offences punishable under Sections 294(b), 323 and 506(i) of IPC seek anticipatory bail.

2. It is stated that the petitioners had objected to the defacto complainant using a particular pathway to go their village.

3. It is the contention of the learned counsel for the petitioners that the particular pathway belongs to the petitioners and therefore, the petitioners had every right to raise objections. A counter complaint had also been given by the petitioners herein which had been registered as FIR in Cr.No.40 of 2024.



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4. Taking all the factors into consideration, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

4. 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, Gudiyatham* on condition that each of the petitioners shall execute separate bonds for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties, 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.



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[b] the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> 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 4<sup>th</sup> petitioner shall report before the respondent police 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 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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5. It appears that the dispute is with respect to an approach road to the village of the defacto complainant. The respondent may address the jurisdictional Revenue Authorities to determine and examine the said issue and bring about peace in the area. If the pathway is a patta land then the Revenue authorities may examine possibility of finding and alternate pathway.

6. With the above directions, this Criminal Original Petition is ordered.

**01.03.2024**

Vv



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