



Crl.O.P.No.8835 of 2024

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T.V.THAMILSELVI,J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 109, 187, 294(b), 356, 339, 441 and 506(ii) of IPC, in Crime No.85 of 2024, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the brother of the 3rd petitioner herein and there was an existing land dispute between them. It is further alleged that due to land dispute that on 11.03.2024, when the defacto complainant and their family members were not present in their village, at that time, the petitioner trespassed into their family properties and fenced their properties without the knowledge of the defacto complainant, and the same was questioned by him, the petitioner along with other accused abused him and also attacked with wooden log and caused grievous injuries to him. Hence, the complaint.



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3. Learned counsel appearing for the petitioners submitted that the petitioners are no way connected with the alleged offence as stated by the prosecution. He further submits that due to ulterior motive, the petitioners have been falsely implicated in this case. He further submits that they are ready to abide by any condition that may be imposed by this Court. Hence, he prays to grant anticipatory bail to the petitioners.

4. Learned Government Advocate (CrI.Side) appearing for the respondent submitted that due to land dispute and partitioned of the property, the petitioner along with other accused attacked the defacto complainant with wooden log and abused him with filthy language. He further submits that the injured has been discharged from the hospital. Hence, he vehemently opposed for the grant of anticipatory bail to the petitioners.

5. Taking into consideration the facts and the submissions made by both counsels and the fact that the petitioners without prejudice to their rights are volunteered to deposit a sum of Rs.15,000/- to the credit of the Crime



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Number, this Court is inclined to grant **anticipatory bail** to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on anticipatory 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 District Munsif cum Judicial Magistrate, Nannilam, Thiruvarur District**, 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 the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stands dismissed and on further condition that:

[a] the petitioners shall deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) to the credit of Crime No.85 of 2024 before the learned District Munsif cum Judicial Magistrate, Nannilam, Thiruvarur District, within a period of two weeks from the date of receipt of a copy of this order and on



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such deposit, the de-facto complainant is permitted to withdraw the same, on filing undertaking affidavit and proper identification and acknowledgment;

[b] 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;

[c] the petitioners 1 to 8 shall report before the respondent police on every Saturday at 10.30 a.m. for a period of eight weeks;

[d] the 9th petitioner shall report before the respondent police as and when required for interrogation;

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[f] the petitioners shall not abscond either during investigation or trial;



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

10.04.2024

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