



Crl.O.P.No.12491 of 2024

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C.SARAVANAN, J.

The petitioner apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 324, 506(ii) of IPC in Crime No.158 of 2024, seeks anticipatory bail.

2. It is the case of the prosecution that the petitioner, in order to set right his pathway, has taken sand from the common lake and when the same was questioned by the defacto complainant, the petitioner abused and attacked the defacto complainant with hands and iron rod, due to which he sustained injuries. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent, opposed for grant of anticipatory bail to the petitioner stating that there is a land dispute between the de-facto complainant and the petitioner. As a result of which, the petitioner assaulted the de-facto



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complainant and caused injuries to him. Thereafter, the defacto complainant was admitted in the hospital for the injuries caused by the petitioner. Now, the de-facto complainant has been discharged from the hospital. The learned Government Advocate further submitted that there is no history of petitioner having involved in any offence before this case.

5. Heard both sides and perused the materials available on record.

6. Considering the above the facts and circumstances of the case and also the submissions made by either sides, this Court is inclined to grant Anticipatory Bail to the petitioner and the petitioner shall be released immediately on bail, in the event of arrest or on his appearance, with subject to the following conditions :-

[a] the petitioner shall appear before the **learned Judicial Magistrate No.II, Pollachi**, within a period of fifteen days from the date on which the order copy made ready.

[b] the petitioner shall execute a 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



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concerned.

[c] the petitioner 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.

[d] the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] the petitioner shall not abscond either during investigation or trial.

[g] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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.

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