



Crl.O.P.No.14062 of 2024

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T.V.THAMIILSELVI, J.,

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 324 and 506(2) of IPC in Crime No.123 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioners and the defacto complainant are neighbouring land owners. On 09.06.2024, the second petitioner had taken measurements for constructing compound wall for their new house with intention to obstruct the water supply to the defacto complainant and the same was questioned by the defacto complainant, there was a quarrel and that the petitioners abused the defacto complainant and his brother-in-law in filthy language and also attacked them with stones and iron rod. Hence the case.

3. The learned counsel appearing for the petitioners submitted that the petitioners are an innocent persons and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this



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case. He further submitted that the petitioners are ready to abide by any stringent conditions that may be imposed by this Court and hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (CrI.Side) appearing for the respondent submits there was a quarrel regarding constructing compound wall, the petitioners abused and attacked the defacto complainant and her brother-in-law and caused injuries to them. He further submits that the injured has been discharged from the hospital. Hence, he opposed to grant anticipatory bail to the petitioners.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (CrI.Side) for the respondent and perused the entire materials available on record.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel and also the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on



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anticipatory bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the **learned District Munsif cum Judicial Magistrate, Madathukulam**, 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 and on further condition that:

[a] the petitioners shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) each to the credit of Crime No.123 of 2024, within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below and on such deposit, the victim is permitted to withdraw the same on filing of "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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[c] the petitioners shall report before the



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respondent police, as and when required for interrogation;

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

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

[f] 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 has been imposed and the petitioners are released on anticipatory 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]***; and;

[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

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