



Crl.O.P.No.14342 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 323, 324 of IPC and Section 4 of TNPHW Act, in Crime No.708 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is an operator in a private company and having 2¼ acres of agricultural land. On 28.12.2023, first petitioner as a BDO Assistant along with other accused came and destroyed the foundation stone using JCB to lay 180 feet length road and the same was questioned by the defacto complainant, his father and mother, there was wordy quarrel. Due to which, the petitioners attacked the defacto complainant and his father and mother. 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. He further submitted that while laying the road using JCB, there was wordy quarrel infact, already there was a pathway



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dispute pending between the petitioners and the defacto complainant's father, and hence a false complaint has been foisted against them. 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 (Crl.Side) appearing for the respondent submits there was wordy quarrel between the petitioners and the defacto complainant regarding pathway dispute, the occurrence had taken place. He further submitted that the injured has been discharged from the hospital. However, he opposed to grant anticipatory bail to the petitioners.

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

6. Taking into consideration the facts and circumstances of the case



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and the submissions made by the both counsel and also considering 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 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 Judicial Magistrate No.II, Mettur**, 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 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;

[b] the petitioners shall report before the respondent police, on every Tuesday at 6.00 p.m., for a



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period of eight weeks and thereafter, 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 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;

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

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