



Crl. O.P. No.22075 of 2024

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P. DHANABAL.J.,

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The petitioners / Accused 1 to 4 who apprehend arrest in the hands of the respondent police for the offences punishable under Sections 294(b), 115(2), 118(1), 351(3) of B.N.S. 2023 in connection with the Cr. No.162 of 2024, seek anticipatory bail.

2. The case of the prosecution is on 01.09.2024, due to the previous enmity, the petitioners had assaulted the relatives of the defacto complainant namely Vijaya and Manjula, abused them with filthy language and attacked the defacto complainant and his sister's son with wooden log. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit that there was civil dispute pending between the parties, that in fact, the defacto complainant and his relatives had attacked the petitioners and their family, that there is a counter complaint given by these petitioners in Cr. No.161 of 2024, the petitioners have not involved in the crime, that they are innocent persons, that they have not committed any offence as alleged by the defacto complainant, that they are ready to abide by any condition imposed by this Court. Hence he prayed to grant anticipatory bail to the



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petitioners.

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4. The learned Government Advocate (Criminal Side) appearing for the respondent police would contend that this is a case and counter case, that due to previous enmity, petitioners had abused and attacked the defacto complainant and his relatives using wooden log. Hence he objected for the grant of anticipatory bail. Further he submitted that the injured persons were discharged from the hospital and there is no previous case pending against the petitioners.

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

6. Considering the arguments putforth on either side, considering the fact that the injured person was discharged from the hospital, that there is already a dispute pending between the parties with regard to consumption of water, that no previous case is pending against the petitioners, that a counter case was also registered against the defacto complainant based on the complaint given by these petitioners, I am inclined to grant anticipatory bail to the petitioners, subject to the following conditions:



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7. 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 **Judicial Magistrate No.I, Sankari** on condition that the petitioners 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 learned Magistrate concerned and on further condition that:

[a] the petitioners shall report before the respondent police on every Saturday for a period of 4 weeks and thereafter as and when required for investigation.

[b] the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer;

[c] the petitioners shall not leave India without the previous permission of the Court;

[d] the petitioners shall not abscond either during investigation or



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[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 269 B.N.S.2023.

09.09.2024

mjs

P.DHANABAL,J
mjs

To

- 1.The Judicial Magistrate No.I, Sankari
- 2.The Public Prosecutor, High Court, Madras.
- 3.The Inspector of Police, Thevoor Police Station, Salem District.



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