



Crl.O.P.No.24084 of 2024

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WEB COPY **P.DHANABAL, J.**

The petitioners, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 115(2), 118(1), 351(3), 109 of BNS Act in Crime No.433 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 close relatives. The defacto complainant and the petitioners already had a property dispute. On 23.09.2024 at 7.00 a.m the defacto complainant went to his father-in-law house and she asked to separate their property at that time the petitioners used filthy language and attacked the defacto complainant and her family members by using wooden log. Hence this case.

3. The learned counsel for the petitioners would contend that the petitioners are an innocent person and they have not committed any offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) would submit that the petitioners and the defacto complainant are close relatives. The defacto complainant and the petitioners already had



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a property dispute. On 23.09.2024 at 7.00 a.m the defacto complainant went to his father-in-law house and she asked to separate their property at that time the petitioners using filthy language and attacked the defacto complainant and her family members by using wooden log and no previous case is pending against the petitioners and the injured was discharged from the hospital. However, he vehemently opposed to grant anticipatory bail to the petitioners.

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

6. Considering the rival submissions on either side, the nature of offences and considering the fact that no previous case is pending against the petitioners and the injured was discharged from the hospital, there is a property dispute between the parties, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

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 *learned Judicial Magistrate, Cheyyar* on condition that



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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
daily at 10.00 a.m., until further orders.**

[b] the petitioners shall not tamper with evidence or witness
either during investigation or trial.

[c] the petitioners shall not abscond either during
investigation or trial.

[d] 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].

[e] If the accused thereafter absconds, a fresh FIR can be
registered under Section 229A IPC.

04.10.2024

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