



Crl.O.P.No.24618 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), 118(1), 351(2) – BNS Act, 2023 in Crime No.220 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 18.06.2024, at around one o'clock in the afternoon, the surveyor came to survey the land of Bothan's son Rangan and the defacto complainant. The surveyor measured the land of Muniyappan's son Allimuthu, who is the landowner on the defacto complainant's side. When the defacto complainant said that measure from the cornerstone of the petitioner's land, all the petitioners joined together and abused obscene words and assaulted the defacto complainant with stone and caused head injury. Hence this case.

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



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WEB COPY 4. The learned Government Advocate (Crl. Side) would submit that on 18.06.2024, at around one o'clock in the afternoon, the surveyor came to survey the land, at the time there was a wordy quarrel between the parties. While so, all the petitioners joined together and uttered obscene words and assaulted the de-facto complainant with stone and caused head injury. He would further submit that the injured was discharged from the hospital and no previous case is pending against the petitioner. 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 the injured was discharged from the hospital and considering the fact that no previous case is pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

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



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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 Court, Palacode* 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 at 10.00 a.m., for a period of four weeks and thereafter as and when required for interrogation.

[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.



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