



Crl.O.P.No.26497 of 2024

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P.DHANABAL,J.

The petitioners/A1 and A2 who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 296(b), 118(1), 351(ii) of BNs in Crime No.95 of 2024 seeks anticipatory bail.

2. The case of the prosecution is that the first accused is a Real Estate Agent and he had induced the defacto complainant for interest if he lend any loan to him and thereafter, the defacto complainant had mortgaged his house in the year 2022, given a sum of Rs.18,00,000/- through bank account and Rs.2,00,000/- through cash and the accused person have not paid any interest till date and the same was questioned by the defacto complainant on 15.08.2024 at about 7.00 p.m, the first accused had called him to his house and attacked him with iron rod and caused injuries and also threatened him with dire consequences. Hence, this case.

3. The learned counsel appearing for the petitioners submits that the petitioners are innocent persons and they have not committed any such offence as alleged by the prosecution. He further submits that the first



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petitioner and the defacto complainant are partners doing real estate business and due to difference of opinion in the business, this false complaint has been registered only to change colour of the civil dispute into criminal in nature and they were no way connected with the alleged offence. He further they are ready to abide by any stringent conditions imposed by this Court. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submits that there was a money dispute between the parties, due to which, the first petitioner had assaulted the defacto complainant with iron rod and caused injuries to him. He admits that the injured was discharged from the hospital. He further submits that there is no previous case against the petitioner. He further submits that this is the petitioners' 3rd anticipatory bail petition and the petitioners' earlier anticipatory bail petitions were dismissed by this Court. However, he vehemently opposed for the grant of anticipatory bail to the petitioners.

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



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6. Considering the nature of offence and there was a money dispute between the parties regarding real estate business and the injured had discharged from the hospital and also the fact that there is no previous case against the petitioner and considering all other aspects, this Court is inclined to grant anticipatory bail to the petitioners with certain 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, Palacode** on condition that each of the petitioners shall execute separate bonds 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 10.30 a.m., for a period of four weeks.

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



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[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 269 B.N.S.

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