



Crl.O.P.No.28662 of 2024

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A.D.JAGADISH CHANDIRA, J.

The petitioners apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 115(2), 118(1), 351(3) of BNS, 2023 r/w Section 4 of TNPHW Act, 2002 in Crime No.455 of 2024, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners and the defacto complainant are relatives and there is a land dispute between them, and on 31.10.2024, there aroused a wordy quarrel between the defacto complainant and the petitioners, due to which, the petitioners abused and assaulted the defacto complainant with iron rod on her head, thereby the defacto complainant sustained injuries. Further, the petitioners threatened the defacto complainant with dire consequences. Hence, this case.

3. Learned counsel appearing for petitioners submitted that petitioners are innocent and have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He



further submitted that due to previous enmity between the defacto complainant and the petitioners related to a land dispute, a false complaint has been lodged against them. He further submitted that the petitioners are ready to produce solvent sureties and to abide with any conditions that may be imposed by this Court, therefore, he prayed for grant of anticipatory bail to the petitioners.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police opposed for grant of anticipatory bail to the petitioners stating that the petitioners and the defacto complainant are relatives and due to a land dispute between them, there aroused a wordy quarrel between them, the petitioners abused and attacked the defacto complainant, due to which the defacto complainant sustained injuries. He further submitted that the injured was discharged from the hospital and there is no previous case as against the petitioners.

5. Heard the learned counsel for the petitioners, the learned Government Advocate (Crl. Side) appearing for the respondent police and perused the materials available on record including the FIR.



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6. Taking note of the facts and circumstances of the case, the submissions made by the learned counsel on either side and also considering the fact that the injured was discharged from the hospital and no previous cases as against these petitioners, 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, Omalur** 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, failing which, the petition for anticipatory bail shall stand dismissed 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.



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[b] the petitioners shall report before the respondent police everyday at 6:30 p.m., for a period of two weeks and thereafter, every Saturday at 10:30 a.m., until further orders.

[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 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 abscond, a fresh FIR can be registered under Section 269 B.N.S.

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