



Crl.O.P.No.28764 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 447 and 506(ii) of IPC in Crime No.118 of 2022, seek anticipatory bail.

2. The case of the prosecution is that due to a dispute on account of sharing of water channel, the petitioners have abused and intimidated the *de facto* complainant. Hence, the case.

3. Learned Counsel for the petitioners submitted that this is the second application for bail filed by the petitioners. He further submitted that this Court, by an order dated 19.10.2022 had granted anticipatory bail to the petitioners in Crl.O.P.No.25457 of 2022 with a direction to surrender before the learned Judicial Magistrate No.II, Ponneri, within a period of fifteen days from the date on which the order copy was made ready, however, due to some miscommunication, the order was not



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communicated to the petitioners by their earlier counsel and thereby, the earlier order has lapsed. Therefore, the present petition has been filed. He also submitted that the investigation in this case is still pending and the petitioners are ready to abide by any stringent conditions that may be imposed by this Court. Hence he prayed for a grant of anticipatory bail to the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that this Court had already granted anticipatory bail to the petitioners in Crl.O.P.No.25457 of 2022 vide order dated 19.10.2022, however, the petitioners did not appear and execute the sureties. Hence, he opposed for grant of anticipatory bail to the petitioners.

5. Heard the learned Counsel for the petitioners and the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record.



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6. Considering the above facts and circumstances of the case, the submissions made by the learned counsel on either side, 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 No.II, Ponneri**, on condition that the petitioners shall execute 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:



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[a] Each of the petitioner is directed to deposit a sum of Rs.500/- (Rupees Five Hundred only) to the credit of Taluk Legal Services Authority, attached to the Court concerned, within a period of two weeks from the date on which the order copy made ready and shall produce the said receipt before the Court below, while executing the sureties.

[b] 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 his Aadhar card or Bank pass Book to ensure their identity;

[c] the petitioners shall report before the respondent Police, everyday at 10.30 a.m., for a period of two weeks and thereafter, on every Saturday at 10.30 a.m., until further orders;

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioners shall not abscond either during investigation or trial;

[f] 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



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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]**;

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

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