



Crl.O.P.No.15795 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 441, 294(b), 427 & 506(ii) of IPC in Crime No.153 of 2022, seek anticipatory bail.

2. The case of the prosecution is that *de-facto* complainant's sons own and have been in possession and enjoyment of the lands comprised in Survey Nos:165/8, 9, 10, 11, 3B, 3C, 3D, 3A and 8 and also, 2A3, 2A4, 210/3, and they also have obtained DTCP approval for these lands. While so, it is alleged that on 16.05.2022 at about 3.30 p.m., the petitioners herein along with other persons trespassed into these lands, abused the security guard and the property manager and further threatened them with dire consequences and also attempted to beat them with crow bar, iron rod and wooden sticks and had thus chased them out of the site. Further, they proceeded to pull down the cement posts erected in the site with a JCB and thereby caused a loss of Rs.15,00,000/-



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Hence, the complaint. Further, in the complaint it is also mentioned that her sons enjoy an interim injunction in IA No:2 of 2022 in OS No:80 of 2022, on the file of the Principal Sub Judge, Chengelpet, Kancheepuram and that the suit instituted by the accused herein was dismissed by the Court.

3. Heard, the learned counsel appearing for the petitioners, learned counsel appearing for the *de-facto* complainant/intervenor and the learned Additional Public Prosecutor appearing for the respondent.

4. The learned counsel appearing for the intervenor/*de-facto* complainant would submit that already the *de-facto* complainant filed a suit and obtained interim injunction.

5. Considering the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are directed to file an undertaking



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affidavit before concerned learned Magistrate undertaking not to enter into the subject property and shall not interfere with the peaceful possession and enjoyment of the subject property belonging to the *de-facto* complainant and on such undertaking, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate-I, Chengelpet on condition that each of 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.

[b] the petitioners shall file an undertaking affidavit before concerned learned Magistrate undertaking not to enter into the subject property and shall not interfere with the peaceful possession and



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enjoyment of the subject property belonging to the *de-facto* complainant.

[c] the petitioners shall appear before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

[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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

12.07.2022

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