



Crl.O.P.No.18331 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 147, 148, 447, 427, 294(b), 506(ii) and 379 of IPC in Crime No.134 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant purchased a land to the extent of 2 acres and 96 cents in S.F.No.475 and Patta No.137 on 09.04.2021 from one Nataraj. It is further alleged that the petitioners have claimed that they are the original owners of the property and trespassed into the property and damaged some fencing stones and took away the CC TV Camera and also threatened the defacto complainant.



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

4. The learned counsel for the Intervenor would submit that the defacto complainant has purchased a land to the extent of 2 acre and 96 cents in S.F.No.475 and Patta No.137 on 09.04.2021 from one Nataraj. He would further submit that the petitioners have claimed that they are the original owners of the property and trespassed into the property and damaged some fencing stones and took away the CC TV Camera and they have caused damage to the tune of Rs.1,60,875/- and also threatened the defacto complainant. Hence, he opposed to grant anticipatory bail to the petitioners.

5. The learned Government Advocate (Crl.Side) would submit that the petitioners have claimed that they are the original owners of the property and trespassed into the property and damaged some fencing



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stones and took away the CC TV camera and also threatened the defacto complainant. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

6. It is seen that there are totally five accused persons involved in this case, in which, the petitioners are arrayed as A1 to A5. A2 and A5 were already arrested and remanded to judicial custody. Therefore, the anticipatory bail is dismissed as against A2 and A5/2nd and 5th petitioners. So far as other accused persons are concerned/A1, A3 and A4/1st, 3rd and 4th petitioners, they had executed a sale deed in favour of one Natarajan in the year 2015. Thereafter, in turn, the said Natarajan has executed a sale deed in favour of the defacto complainant. However, the persons who executed the sale deed namely A1, A3 and A4 challenged the sale deed executed in favour of Natarajan in O.S.No.315 of 2021 on the file of the III Additional District Court, Dharapuram.



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7. According to the petitioners, they are in possession and enjoyment of the suit property. However, the defacto complainant purchased the property in the year 2021 and claimed that they are in possession and enjoyment of the possession of the property. Further, the sale deed executed in favour of the vendor of the defacto complainant is under challenge before the Civil Court in OS.No.315 of 2021 on the file of the III Additional District Court, Dharapuram.

8. On instructions, the learned counsel for the petitioners would submit that the petitioners in order to prove their bonafide, they are ready and willing to deposit some amount without prejudice to their rights and contentions.

9. Considering the above facts and circumstances of the case and also considering the submissions made by both counsel, the custodial interrogation of the petitioners is not required since two accused persons/A2 and A5 had enlarged on bail. This Court is inclined to grant anticipatory bail to the 1st, 3rd and 4th petitioners on condition that the 1st,



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3rd and 4th petitioners shall deposit a sum of Rs.2,00,000/- (Rupees Two lakhs only) to the credit of crime No.134 of 2022.alone with certain conditions.

10. Accordingly, as far as the 2nd and 5th petitioners are concerned, this petition is dismissed and as far as the 1st, 3rd and 4th petitioners are concerned, they are directed to deposit a sum of Rs.2,00,000/- (Rupees Two lakhs only) to the credit of Crime No.134 of 2022, within a period of four weeks from the date on which the order copy made ready, and on such deposit, they 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 District Munsif-Cum-Judicial Magistrate, Madathukular, Tirupur District*** on condition that the 1st, 3rd and 4th petitioners shall execute separate bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, 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



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[a] the 1st, 3rd and 4th 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 1st, 3rd and 4th petitioners shall deposit a sum of Rs.2,00,000/- (Rupees Two lakhs only) to the credit of Crime No.134 of 2022, before the concerned Magistrate, within a period of four weeks from the date on which the order copy made ready.

[c] the final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of trial.

[d] the 1st, 3rd and 4th petitioners shall report before the respondent police daily at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation .

[e] the 1st, 3rd and 4th petitioners shall not tamper with evidence or witness either during investigation or trial.



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[f] the 1st, 3rd and 4th petitioners shall not abscond either during investigation or trial.

[g] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the 1st, 3rd and 4th petitioners in accordance with law as if the conditions have been imposed and the 1st, 3rd and 4th 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]**.

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

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