



Crl.O.P.No.19214 of 2022

Crl.O.P.No.19214 of 2022

WEB COPY

G.K.ILANTHIRAIYAN, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 454, 380, 506(i), 294(b) of IPC, in Crime No.478 of 2022, seek anticipatory bail.

2. The case of the prosecution is that due to property dispute, there was a wordy quarrel between the petitioners and the defacto complainant. Thereafter, the petitioners trespassed into the property of the defacto complainant and stolen the stones from the property. When the same was questioned by the defacto complainant, the petitioners abused the defacto complainant in filthy language. Hence, the complaint.

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



CrI.O.P.No.19214 of 2022

WEB COPY

4. The learned counsel for the Intervener would submit that the defacto complainant's grand father executed a sale deed in favour of the defacto complainant and others from one Mangammal. Later, the first petitioner was keep on threatening the defacto complainant to return the property in his favour, since he was an erstwhile owner. Thereafter, the petitioners trespassed into the property of the defacto complainant and stolen the stones from the land. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. The learned Government Advocate (CrI.Side) would submit that there was a property dispute between the petitioners and the defacto complainant. The first petitioner was keep on threatening the defacto complainant to return the property in his favour, since he was an erstwhile owner. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

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



Crl.O.P.No.19214 of 2022

WEB COPY

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:1, Perambalur, on condition that each of the petitioners shall execute a 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 report before the respondent police daily at 10.30 a.m, for a period of two weeks and thereafter as and when required for interrogation.

[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.



WEB COPY



Crl.O.P.No.19214 of 2022

G.K.ILANTHIRAIYAN, J.

mn

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

16.08.2022

mn

Crl.O.P.No.19214 of 2022