



Crl.O.P.No.19424 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 294(b), 427, 447 and 506(i) of IPC in Crime No.202 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant's mother owned a property measuring to an extent of 15 cents comprised in Old Survey No.112/127 A3, New Survey No.273/5, situated at Palayakkara Street, Periyapalayam Post, Uthukottai Taluk, Thiruvallur District. One Malarvizhi has allegedly disputing the ownership in respect of the very same property and further alleged that the defacto complainant's mother has obtained an order in WP.No.1180 of 2022 to direct the Tahsildar, Uthukottai Taluk to measure and demarcate the aforesaid property and as per the order dated 18.03.2022, the Government Surveyor has measured the aforesaid property and erected the stone and further alleged that the petitioners had allegedly removed the stone which was erected by the surveyor. At that time, the defacto complainant questioned the same, in response to that the 1st petitioner/1st



Crl.O.P.No.19424 of 2022

WEB COPY

accused abused him in filthy language, tried to assault him and the 2nd petitioner has threatened the defacto complainant and also caused injuries to him. Hence, the complaint.

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 and they have been falsely implicated in this case. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) would submit that the petitioners attacked the defacto complainant and caused injuries. He would further submit that no one sustained any injury. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the above fact and circumstances of the case and also considering the submissions made by both counsel, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail



Crl.O.P.No.19424 of 2022

WEB COPY

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 Court, Uthukottai*** on condition that the 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 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 1st petitioner 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 and the 2nd petitioner shall report before the respondent police as and when required for interrogation.



Crl.O.P.No.19424 of 2022

WEB COPY

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

17.08.2022

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Crl.O.P.No.19424 of 2022

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Crl.O.P.No.19424 of 2022

17.08.2022