



Crl.O.P.No.19417 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 341, 506(i) and 379 of IPC in Crime No.132 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the petitioners had allegedly executed a sale agreement in favour of the defacto complainant in respect of the property situated at Servakaranpalayam Village, Pollachi Taluk, Coimbatore. The above said property has been mortgaged by the petitioners and the petitioners have received money from the defacto complainant for time to time. On 04.02.2020, the defacto complainant and the petitioners have extended one year time for sale agreement. Thereafter, the petitioners have failed to execute sale deed in favour of the defacto complainant. Therefore, the defacto complainant has issued legal notice on 18.02.2021 to the petitioners. Thereafter, he filed a civil suit against the petitioners in OS.No.242/2021 pending on the file of the I



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Additional District Court, Coimbatore and the defacto complainant is in possession of the property. The VAO has given possession certificate in favour of the defacto complainant on 09.03.2021. Subsequently, the petitioners were disturbed his possession, threatened him and his servants with dire consequences and the petitioners have stolen some cows and goats. 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 were disturbed the defacto complainant's possession, threatened him and his servants with dire consequences and the petitioners have stolen some cows and goats. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.



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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 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-I, Pollachi*** 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:



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[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 three 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.

[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]**.



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

17.08.2022

Vv



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