



Crl.O.P.Nos.20508 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 447, 145, 147, 294(b), 506(i) of IPC r/w Section 3 of the TNPPDL Act -1992 in Crime No.543 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the Liquidator appointed by the Court for sale of the property of 20 ground belonged to M/s.Praisworth Infra Pvt Ltd., which was subsequently sold to one Sanjay Jain and another through auction . After the completion of the sale, since 2 grounds were illegally encroached by the petitioners and also obtained patta in their name in the year 2021 for which, the defacto complainant filed police complaint and since the petitioners were giving constant trouble, he filed writ petition before this Court and the same was also disposed. While so, on 10.07.22 at about 9.37 a.m., the defacto complainant in the said 2 ground land, when the defacto complainant visited the place, the petitioners abused him in filthy



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language and completely damaged the compound wall and also damaged the CCTV cameras and also threatened him with dire consequences, the damage caused to the value of Rs.30,000/- . 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. He would further submit that the petitioners have been taking necessary legal steps in order to prevent the illegal encroachment and construction of compound wall in their own land. Once, the defacto complainant as liquidator of the company sold the property, he has no legal sanctity to lodge the complaint. The defacto complainant himself admitted that in his complaint that the petitioners have obtained in the year 2021 itself and executed settlement deed in favour of their wife and son and it clearly shows that the petitioners have title over the landed property, it is purely civil in nature. Further, the name of the petitioners and the worth of damage was also not mentioned in the FIR. However, they are ready and willing to deposit a sum of



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Rs.30,000/- (Rupees Thirty thousand only) to the credit of Crime No.543 of 2022. Therefore, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the defacto complainant is the Liquidator appointed by the Court for sale of the property of 20 ground belonged to M/s.Praisworth Infra Pvt Ltd., which was subsequently sold to one Sanjay Jain and another through auction . After the completion of the sale, since 2 grounds were illegally encroached by the petitioners and also obtained patta in their name in the year 2021 for which, the defacto complainant filed police complaint and since the petitioners were giving constant trouble, he filed writ petition before this Court and the same was also disposed. While so, on 10.07.22 at about 9.37 a.m., the defacto complainant in the said 2 ground land, when the defacto complainant visited the place, the petitioners abused him in filthy language and completely damaged the compound wall and also damaged the CCTV cameras and also threatened him with dire consequences, the damage caused to the value of Rs.30,000/- . Hence, he opposed to grant anticipatory bail to the petitioners.



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5. Taking note of 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 deposit a sum of Rs.30,000/- (Rupees Thirty thousand only) each to the credit of Crime No.543 of 2022, within a period of four weeks from the date on which the order copy made ready, and on such deposit the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the *learned Judicial Magistrate, Madhavaram* 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 petitions 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 deposit a sum of Rs.30,000/- (Rupees Two thousand only) to the credit of Crime No.543 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 3rd 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 and the 1st , 2nd and 4th petitioners being the Senior Citizens shall appear before the respondent police as and when required for an interrogation.

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial.



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[f] the 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 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]**.

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

29.08.2022

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G.K.ILANTHIRAIYAN, J.



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