



Crl.O.P.No.22087 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b), 447, 506(2) and 379 IPC in Crime No.62 of 2022, seek anticipatory bail.

2. The case of the prosecution is that due to a financial dispute, the accused who belongs to the ruling party had threatened the defacto complainant and that on 11.07.2022, A1 along with the other accused came in Tata Sumo Vehicle bearing Reg.No.TN 25 K 9559 and threatened the defacto complainant and had caused damage to the articles in the house of the defacto complainant and by force, taken away a tractor along with trailer and he had also cut and taken away the grown up sugar cane worth about 2 Lakhs and taken away other articles to the tune of Rs.15,00,000/-. Hence, the case.

3. The learned counsel appearing for the petitioners would submit



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that the petitioners and the defacto complainant are relatives and there was a financial dispute between them. Due to which a false complaint has been given against the petitioners. He would submit that there was a financial dealing between them and the defacto complainant had already handed over the lands to the first petitioner for cultivation and A1 had been doing cultivation and employing labours in the field. Now, a false complaint has been given against the petitioners as if they had taken away the tractor and damaged the sugar canes in the field. However, the first petitioner, without prejudice to his rights, is prepared to deposit a sum of Rs.2,00,000/- to the credit of crime No.62 of 2022. Therefore, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) would submit that the petitioners and the defacto complainant are relatives. Due to a financial dispute, A1 had gone along with henchmen and damaged the articles belonging to the defacto complainant and also taken away the tractor and trailer along with the agricultural equipments. He would submit that the petitioner/A1 along with henchmen had also damaged the



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grown up sugar cane. He would further submit that the tractor and the farm equipments were recovered. However, he opposed for grant of anticipatory bail to the petitioners.

5. The learned counsel appearing for the defacto complainant/Intervenor would submit that A1 is a councillor belonging to the ruling party and by using his influence, he had assaulted the defacto complainant and by force, taken away the tractor and agricultural equipments. He would also submit that the grown up sugar canes worth about 2 Lakhs had been damaged and was taken away by A1 and henchmen. Hence, he vehemently opposed for grant of anticipatory bail.

6. Considering the facts and circumstances of the case and also considering the undertaking of the first petitioner/A1 that he is prepared to deposit a sum of Rs.2,00,000/- to the credit of crime number, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the first petitioner/A1 is directed to deposit a sum



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of Rs.2,00,000/- (Rupees Two Lakhs only) to the credit of Crime No.62 of 2022, within a period of two 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, Sankarapuram, Villupuram on condition that the petitioners shall execute a separate bond for a sum of Rs.15,000/- (Rupees fifteen 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 first petitioner shall deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) to the credit of Crime No.62 of 2022, within a period of two weeks from the date of receipt of a copy of this order.



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[c] the disbursal of the amount shall be decided at the disposal of the case.

[d] the first petitioner shall stay at Chennai and report before the North Beach Police Station for a period of one month and thereafter report before the respondent police on every Saturday at 10.30 a.m., until further orders. The second and the third petitioners shall report before the respondent police daily at 10.30 a.m., for a period of four week and thereafter on every Saturday at 10.30 a.m., until further orders.

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

[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]**.

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

28.10.2022

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