



Crl.O.P.No.22207 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, 447, 448, 354 and 506(i) of IPC in Crime No.188 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the petitioners who are the owner of the house had assaulted the defacto complainant's husband and threatened him to vacate the premises. Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicate in this case. He would further submit that it is a case of landlord tenant dispute, which has been exaggerated by the defacto complainant. Further, the defacto complainant is the tenant under the first petitioner and she had not paid the rent totalling to the tune of Rs.2 Lakhs and when the same was demanded by the petitioners, she had given false complaint as if the petitioners had assaulted her husband. He would further submit that initially on the complaint given by the defacto complainant, the petitioners were called for



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enquiry, during such time, she had agreed to vacate the premises before 1st week of September. However, she has not vacated the premises and by using her husband's influence had foisted a false case against the petitioners. Therefore, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that due to landlord tenant dispute, the petitioners had intimidated and assaulted the defacto complainant's husband and threatened him to vacate the premises. However, he vehemently opposed to grant bail to the petitioners.

5. Taking into consideration the facts of the case and the submissions made by the learned 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**



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Judicial Magistrate Udhagamandalam on condition that the petitioners shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five 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 automatically 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 **every day at 10.30 a.m., until further orders.**

[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.



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[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.

15.09.2022

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