



Crl.O.P.No.23577 of 2022

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A.D.JAGADISH CHANDIRA, J.,

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The petitioners, who apprehend arrest for the alleged offences under Sections 447, 427, 294(b), 506(i) IPC and section 3(1) of Prevention of Damage to Public Property Act, 1984 in Crime No.503 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the dispute in respect of falling of overflowing water in the house of the petitioners, thereby the petitioners and one other have trespassed into the house of the defacto complainant and assaulted, intimidated and caused damage to the house hold articles. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would submit that due to domestic quarrel between the neighbours, a false complaint has been given against them. He would further submit that the co-accused in this case has already been granted anticipatory bail by this Court in Crl.O.P.No.23422 of 2022 on 26.09.2022 and hence, he prays for grant of anticipatory bail to the petitioners.



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4.The learned Government Advocate (crl. side) appearing for the respondent police submit that due to domestic quarrel, the petitioners and one other have trespassed into the house of the defacto complainant and assaulted, intimidated and caused damage to the house hold articles. He would further submit that there is no previous case pending against the petitioners.

5. Taking into consideration the facts and circumstances of the case and the submissions made by the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioners subject to the following 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 (15) days from the date on which the copy of the order is made ready, before the Judicial Magistrate No.V, Salem, on condition that each of the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten 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:



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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 10.30am., for a period of four weeks and thereafter on every Saturday at 10.30am., 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.

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

With the above directions, this Criminal Original Petition is ordered.

28.09.2022

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