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CRL.O.P.No.24288 of 2022

Crl.O.P.No.24288 of 2022

SATHI KUMAR SUKUMARA KURUP., J.

The Petitioner, who apprehends arrest at the hands of the Respondent police for the offences punishable under Sections 427, 447, 324 and 506(ii) of IPC, in Crime No.1485 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the Defacto complainant had constructed a compound wall which was damaged by the Petitioner. Thereafter he constructed the wall and again the Petitioner and others had demolished the wall and tried to put up a grill gate for their easy access. He gave a complaint in Petition No.768 of 2021, as a result of which, the Petitioner had agreed that he will not any more indulge in illegal activity. But again, he damaged the belongings and also attacked one of the relatives of the Defacto complainant and hence the complaint.

3. The learned counsel for the Petitioner submitted that the Petitioner is an innocent person and that he did not commit any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the Petitioner.

4. The learned Government Advocate (Crl.Side) submitted that it is a



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case and case in counter. The Petitioner along with others had damaged the compound wall. The Petitioner/Accused was granted anticipatory bail in Crl.O.P.No.13320 of 2022 . However, he opposed to grant anticipatory bail to the Petitioner.

5. Considering the facts and circumstances of the case and also the fact that there is no previous case pending against the Petitioner and he was granted anticipatory bail in Crl.O.P.No.13320 of 2022, this Court is inclined to grant anticipatory bail to the Petitioner subject to the following conditions.

6. Accordingly, the Petitioner is ordered to be released on bail in the event of arrest by the Respondent Police or the Police Officer, who intends to arrest or on the Petitioner surrenders before the learned Judicial Magistrate No.II, Poonamallee, within a period of fifteen days from the date of receipt of a copy of this order, on executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties for a like sum/amount to the satisfaction of the learned **Judicial Magistrate No.II, Poonamallee. Further, one of the sureties shall be a blood relative.**

(a) the sureties shall affix their photographs and left thumb impression in the surety bond. The Police Officer who intends to arrest or the learned



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Judicial Magistrate before whom the Petitioner surrenders and the sureties execute bond shall obtain a copy of their Identity Card, Aadhar Card, or Voter Identity Card or Driving Licence or PAN Card or Bank Passbook with Photo affixed and attested by the Bank Manager as proof of Identity.

(b) the Petitioner shall report before the Respondent Police daily at 10.00 a.m., until further orders.

(c) the Petitioner shall not influence, threaten or coerce the witness either during investigation or trial;

(d) the Petitioner shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the Investigation Officer shall exercise the discretion to cancel the bail by approaching the Court of the learned Judicial Magistrate/Trial Court.

(f) the learned Judicial Magistrate/Trial Court shall on application for cancellation of bail bond by the Investigation Officer shall pass appropriate



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orders as though bail granted by the learned Judicial Magistrate/Trial Judge himself/herself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;

(g) if the Accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

06.10.2022

gv/drl

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