



CRL.O.P.No.24537 of 2022

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SATHI KUMAR SUKUMARA KURUP., J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 429, 506(i) and 506(ii) IPC r/w 11(1) of the Prevention of Cruelty to Animals Act, 1960, in Crime No.243 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant is residing in the Tsunami Housing quarters allotted by the Government. While so, one Nayagan in order to evict the defacto complainant and others from the said place illegally, had been threatening them. Further, on the instigation of the said Nayagan, the Panchayathars also oppressed the defacto complainant from the Village and instructed the other villagers not to provide or sell any essential commodities to them. Further, they were not allowed to participate in any functions and to travel in Auto. While being so, during the month of August 2022, the defacto complainant and his family were prevented from attending the temple festival and subsequently, on 26.09.2022 at about 2.00 p.m. the Panchayathars along with Narikuravars shot 4 of the pet dogs of the defacto complainant and threatened the defacto complainant that they would kill them like those dogs due to which, the defacto complainant and his family



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members have been put to severe mental agony. Hence, the complaint.

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3. The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail for the petitioners.

4. The learned Government Advocate (Crl.Side) would submit that the petitioners along with other accused killed four pet dogs of the defacto complainant and threatened them that they would kill them like those street dogs. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case, 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 by the Respondent Police or the Police Officer, who intends to arrest or on the Petitioners surrender before the **Chief Judicial Magistrate,**



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Chengalpattu, within a period of fifteen days from the date of receipt of a copy of this order, each of the petitioners on executing separate bonds for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties (out of which one shall be a blood relative surety) each for a like sum to the satisfaction of the **learned Chief Judicial Magistrate, Chengalpattu**.

(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 Judicial Magistrate before whom the Petitioners surrender 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) each of the Petitioner shall deposit Rs.2,000/- (Rupees Two Thousand only) to the credit of Blue Cross Society of India which is non-refundable

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

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

(e) the Petitioners shall not abscond either during investigation or trial;



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(f) 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.

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

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

06.10.2022

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