



Crl.OP.Nos.25073 and 25188 of 2022

A.D.JAGADISH CHANDIRA, J.

WEB COPY

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 447, 427, 294(b), 506(2) and 379 of IPC in Crime No.181 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant, one Sampath is that he is the owner of the property in Kavuthampalayam Village in RS.No.141/1 B2 and he has been cultivating the land. While so, the accused who are adjacent land owners used to create problem by trespassing into his land and thereby he had installed CC.TV Camera. The further allegation is that on 27.09.2022, he had stopped the pump set at 08.00pm., and came back to his home and on the same day, at 10.20 a.m, the accused along with ten other unknown persons had caused damage to the fencing worth about Rs.3,00,000/- and trespassed into the property. It is further alleged that on 28.09.2022 at around 08.00 a.m., when the defacto complainant had questioned the same, the accused had threatened him and caused injuries by using JCB vehicles bearing Regn.Nos.TN-67-AC 5668 and



KA-13-M-5064 and Tractor bearing Regn.No.TN-33-6702. Hence the case has been registered against the petitioners.

3. The learned counsel for the petitioners would submit that the petitioners in Crl.OP.No.25073 of 2022 are the adjacent land owners and the petitioners in Crl.OP.No.25188 of 2022 are JCB Drivers. There was a dispute between the parties with regard to the boundaries, a false complaint has been given. He would further submit that earlier the very same defacto complainant had given a complaint against the petitioners in-respect of case in Cr.No.153 of 2022 was registered. The first petitioner Nallasamy in Crl.OP.No.25073 of 2022 was granted anticipatory bail. Subsequently, due to the continued harassment, he was unable to appear before the respondent police to comply with the conditions and thereby, the respondent police filed an application for cancellation of bail and it came to be dismissed and the petitioners were directed to comply with the condition to appear before the Inspector of police, North Police Station, Tiruppur at 10.30 a.m., and the petitioners have been duly complying with the conditions. He would also submit that taking advantage of earlier case only in-order to further harass the petitioners, the second false complaint has been given. He would further



submit that the fact remains that the defacto complainant is the trespasser into the property and the petitioners had taken steps to recover the possession. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) would submit that there is a boundary dispute between the petitioners and the defacto complainant, the petitioners have caused damage to the fencing and CC TV Camera. He would further submit that on earlier occasion, the complaint given by the defacto complainant, the case in Cr.No.153 of 2022 has been registered against the petitioners and granting anticipatory bail to the petitioners. He would further submit that the petitioners in Crl.OP.No.25188 of 2022 are JCB Owners. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. The learned counsel appearing for the Intervenor would submit that the defacto complainant/intervenor is the owner of the property in Survey No. 141/1 B2 at Kavuthampalayam Village. He would further submit that the petitioners are carrying agricultural activities whereas in a high handed manner, the accused had caused damage to the fence put up by the defacto complainant to the tune of Rs.3,00,000/- and also caused damage to the CC



TV Cameras. He would submit that the petitioners are habitual offenders involved in repeated offence. Hence, he would vehemently oppose to grant anticipatory bail to the petitioners.

6. At this juncture, the learned counsel for the petitioners would submit that there is a civil dispute and only in-order to grab the property, a false complaint has been given. She would further submit that without prejudice to their rights, the petitioners are prepared to deposit an amount of Rs.1,50,000/- to the credit of crime number and they are also prepared to abide by any stringent conditions imposed on them.

7. Taking into consideration the facts and the submissions made by the counsel, this Court is inclined to grant anticipatory bail with certain conditions.

8. 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 District Munsif-Cum-Judicial Magistrate, Uthukuli* on condition that each the petitioners shall execute separate bonds 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 dismissed and on further condition that:

[a] the petitioner 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 jointly deposit Rs,1,50,000/- to the credit of Cr.No.181 of 2022, before the concerned Magistrate, within a period of four weeks from the date on which the order copy made ready.

[c] the final order in respect of the said deposit shall be passed by the learned trial Judge at the conclusion of trial.

[d] the petitioners shall report before the Inspector of police, North Police Station, Tiruppur every day at 10.30 a.m for a period of two weeks 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.

WEB COPY

[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]**.

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

14.11.2022

Vv



Crl.OP.No.25073 and 25188 of 2022

A.D.JAGADISH CHANDIRA, J.

Vv

Crl.OP.Nos.25073 and 25188 of 2022

14.11.2022