



Crl.O.P.No.25070 of 2022

A.D. JAGADISH CHANDIRA, J.,

The petitioners, who apprehends arrest for the alleged offences under Sections 147, 148, 448, 323, 336 and 506(ii) of IPC r/w.3(1) TNPPDL Act in Crime No.234 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant has constructed the house on her property. Whiles, the petitioners along with other accused trespassed into the property and demolished the newly constructed house with the help of JCB and thereby caused loss and damage to the tune of Rs.3,30,000/-. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons, the defacto complainant had constructed the house in a disputed property, in respect of which suit is pending and she has given a false complaint, as if the petitioners had demolished the house. Hence, he prays for grant of anticipatory bail to the petitioners.



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4. The Government Advocate (Crl.side) would submit that the civil dispute is pending between the parties. The defacto complainant had constructed a new house in the property, the petitioners took law into their own hands and by using JCB had demolished the residential house and the value of the property is Rs.3,33,000/-. He would submit that the investigation is pending.

5. At this juncture, the learned counsel for the petitioners would submit that 8 accused were arrested accused have been granted bail by the trial Court with a condition to deposit a sum of Rs.20,000/- each to the credit of crime number. The petitioners without prejudice are ready to deposit a sum of Rs.30,000/- each to the credit of crime number.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned Government Advocate (Crl.side), this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions :

7. 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.II, Chengalpet, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 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 are directed to deposit a sum of Rs.30,000/-each before the Judicial Magistrate No.II, Chengalpet to the credit of Cr.No.234 of 2022 of T7 Otteri Police Station.

[c] the defacto complainant is permitted to withdraw the said deposited amount before the Judicial Magistrate No.II, Chengalpet on proper identification and application.

[d] the first petitioner shall report before the respondent police daily at 10.30am for a period of one week and thereafter on every Saturday at 10.30am until further orders. The petitioners 2 to 4 shall report before the respondent police daily at 10.30am for a period of two weeks and thereafter on every Saturday at 10.30am until further orders.

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

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

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