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Crl.O.P.No.26435 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 341, 294(b), 323, 324 and 506(2) of IPC in Crime No.330 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to civil dispute, the petitioners along with other accused trespassed into the *de-facto* complainant's property, abused, attacked and intimidated her. Hence, the complaint.

3. The learned counsel for the petitioners would submit that there is a civil dispute pending between the parties in respect of possession of property and thereby a false complaint has been given. He would further submit that other than a case registered with relation to this property, no other case is pending against them. Hence, he prays to grant anticipatory bail to the petitioners.



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4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioners illegally attempted to take possession of the property thereby assaulted the *de-facto* complainant, *de-facto* complainant's husband and *de-facto* complainant's brother. He would further submit that in respect of the property, several cases are pending between the parties. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Heard the learned counsel. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain 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 days from the date on which the order copy made ready, before the **XXIII Metropolitan Magistrate Court, Saidapet, Chennai**, on condition that each of the petitioners shall execute a separate bond for a



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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 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 2nd, 3rd, 4th and 5th petitioners shall stay at Thoothukudi and report before the Inspector of Police, Thoothukudi South Police Station everyday at 10.30 a.m., for a period of two weeks and thereafter report before the respondent police everyday at 10.30 a.m., until further Orders. The 1st, 6th, 7th and 8th petitioners shall report before the respondent police everyday at 10.30 a.m., 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.



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

01.11.2022

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