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Crl.O.P.No.27727 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 147, 447, 427, 294(b) & 506(ii) of IPC read with Section 3(1) of TNPPDL Act in Crime No.612 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the *de-facto* complainant Vincent is that they are in the possession of the property as per the patta dated 31.12.1996, Will dated 27.04.1998 and settlement deed dated 26.10.2022 and while so, the accused in order to grab the property illegally, along with 15 henchmen, on the instructions of one Anwar Nisha entered into the premises by causing damages to the compound wall and opened the main door and also damaged 50 years old coconut trees. When it was questioned by the *de-facto* complainant, they had threatened to do away with him and also threatened the advocate of the *de-facto* complainant and thereby caused damages. The estimated value



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of the damages caused is Rs.60,000/- and above. Hence, the complaint.

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3. The learned counsel for the petitioners would submit that the petitioners are innocent and the property in question originally belongs to 15 owners and they have entered into an agreement for sale with the sister of the A1 and when the petitioners had gone to survey the property, the incident had happened. He would further submit that the arrested accused has been enlarged on bail on condition that they had deposited Rs.60,000/- which is the cost of the alleged damages. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners entered into the premises of the *de-facto* complainant by causing damages to the compound wall and opened the main door and also damaged 50 years old coconut trees. When it was questioned by the *de-facto* complainant, they had threatened to do away with the *de-facto* complainant and also threatened the advocate of the *de-facto* complainant. The estimated cost of damages is



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Rs.60,000/-. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. The learned counsel appearing for the intervenor would submit that the *de-facto* complainant and his family members are living there for the past several years. The accused had entered into a sale agreement with some other person living there and they had attempted to take possession of the property by force & violence and they have also threatened the *de-facto* complainant's advocate. Hence, he opposed for grant of anticipatory bail to the petitioners.

6. 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.

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 days from the date on which the order copy made ready, before the



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learned Judicial Magistrate 1 Udumalpet, on condition that each of the petitioners shall execute a separate bond 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 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 shall stay at Salem and report before the Inspector of Police, Salem Town Police Station everyday at 10.30 a.m., for a period of four weeks and thereafter 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.



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[d] the petitioners shall not abscond either during investigation or trial.

[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.

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