



Crl.O.P.No.27838 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 448, 294(b), 324, 427, 380 and 506(ii) of IPC in Crime No.06 of 2022, seek anticipatory bail.

2. The case of the prosecution is that there was a dispute between the petitioners and the defacto complainant regarding tenancy, due to which, the petitioners have trespassed into the house of the defacto complainant, abused her in filthy language, threatened her, assaulted her with knife and also robbed an amount of Rs.38,000/- and 31 sovereigns of jewels. Hence the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and a false complaint has been given on account of pending landlord tenant dispute between them. He would further submit that the co-accused in this case has already been granted



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anticipatory bail by this Court in Crl.O.P.No.2379 of 2022 on 02.02.2022. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that due to civil dispute, the petitioners have trespassed into the house of the defacto complainant, abused her in filthy language, threatened her, assaulted her with knife and also robbed an amount of Rs.38,000/- and 31 sovereigns of jewels. He would further submit that the stolen articles have not been recovered. Hence, he opposed for grant of anticipatory bail to the petitioners.

5. Heard the learned counsel and perused the entire materials available on record.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel and also of the fact that the co-accused in this case has already been granted anticipatory bail by this Court, this Court is inclined to grant anticipatory bail to the



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petitioners with certain conditions.

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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 **learned Judicial Magistrate No.II, Mannargudi, Thiruvarur District**, on condition that each of the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 report before the respondent police on every Sunday at 10.30 a.m., for a period of four weeks and thereafter as and when required for an interrogation.

[c] the petitioners shall not tamper with evidence or witness



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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.

15.11.2022

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