



Crl.O.P.No.28474 of 2022

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T.V.THAMILSELVI,J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 120B, 420, 465, 468 and 471 of IPC in Crime No.119 of 2022, seek anticipatory bail.

2.The case of the prosecution is that in the year 2006, the defacto complainant one Arivazhagan has purchased a land in Survey No.77/1D1 from Somu Devar in Thirumakotai. The said land has a pavement for pedestrian. However, the 1st petitioner has occupied the said pavement, which was restricted by the public. For which, the 1st petitioner has filed a suit in O.S.No.9 of 2014 before the District Munsif Court, Thiruvarur and the same was dismissed against the 1st petitioner on 06.07.2015. Hence, the 1st petitioner has created settlement deed in favour of his wife, who is the 2nd petitioner herein on 11.05.2015 and registered the same with an intention to grab the pathway. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are husband and wife. He would also submit that there was a



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dispute with regard to the pathway between the petitioners and the adjacent land owner, the defacto complainant. Hence, the 1st petitioner has filed a suit in O.S.No.9 of 2014, which is still pending. In fact, the complaint was lodged after a period of seven years. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) would submit that there was a dispute with regard to pathway between the petitioners and the adjacent land owner of the defacto complainant. Both the parties have contested the suit filed by the 1st petitioner in O.S.No.9 of 2014. Hence, he opposed for grant of anticipatory bail to the petitioners.

5. Taking into consideration the facts and circumstances of the case and also the submissions made by the learned Government Advocate (Crl.Side) and also considering the fact that there is no possibility of tampering the evidence and the civil suit is still pending, 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



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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.2, Mannargudi, Thiruvarur**, on condition that each of the petitioners shall execute a separate 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 **1st petitioner shall report before the respondent police on every Saturday at 10.30 a.m. for a period of eight weeks and the 2nd petitioner shall report before the respondent police as and when required for interrogation;**

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[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;

[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.

19.12.2022

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