



Crl.O.P.No.28700 of 2022

Crl.O.P.No.28700 of 2022

A.D.JAGADISH CHANDIRA, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 451 and 506(i) of IPC in Crime No.267 of 2022, seek anticipatory bail.

2.The case of the prosecution as per the defacto complainant/Sakthivel is that the petitioner trespassed into the apartment complex of the defacto complainant, damaged the bore wells and electricity connections. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and due to civil dispute, a false complaint has been given. He would further submit that earlier the defacto complainant has given a complaint and enquiry was conducted and closed. Thereafter, based on the directions from the Court, a case has been registered again. Hence, he prays for grant of anticipatory bail to the petitioner.



Crl.O.P.No.28700 of 2022

WEB COPY

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that the petitioner trespassed into the apartment complex of the defacto complainant and damaged the bore wells and electricity connections. He would further submit that there is no previous case pending against him. Hence, he opposed for grant of anticipatory bail to the petitioner.

5.Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor for the respondent and perused the entire materials available on record.

6.Taking into consideration the facts of the case and the submissions made by the learned counsel and also taking note of the fact that there is no previous case pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



CrI.O.P.No.28700 of 2022

WEB COPY

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Tambaram, on condition that the petitioner shall execute a 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 petitioner 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 petitioner shall report before the respondent Police daily at 10.30 a.m, for a period of two weeks and thereafter, on every Saturday at 10.30 a.m., until further orders.



WEB COPY



Crl.O.P.No.28700 of 2022

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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;

28.11.2022

vkf



WEB COPY



Crl.O.P.No.28700 of 2022

A.D.JAGADISH CHANDIRA, J.

vkf

Crl.O.P.No.28700 of 2022

28.11.2022