

**Crl.O.P.No.30054 of 2022**

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T.V.THAMILSELVI, J.

The petitioner, who apprehends arrest for the alleged offence under Sections 379 and 427 of IPC in Cr.No.397 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 17.11.2022, the petitioner had demolished the defacto complainant's shop and caused a loss of Rs.26,00,000/-. It is alleged that the petitioner was demanded more rent and had not returned the advance amount to the defacto complainant. Hence, the case.

3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution. He would further submit that the defacto complainant had promised to vacate the premises on 10.01.2022 but he neither vacated the premises nor paid the rent. He would also submit that a suit in O.S.No.4652 of 2022 is also pending before the District Court, Coimbatore. Hence, he prays to grant anticipatory bail to the petitioner.



4.The learned Government Advocate (Crl. side) submits there is a dispute between the landlord and tenant. Hence, he opposed for granting anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and the submissions made by the learned counsels, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **District Munsif-cum-Judicial Magistrate Court, Madukkarai** on condition that the petitioner 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 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 Court concerned 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 on every



Saturday at 10.30 a.m. for a period of six weeks and thereafter, appear before the trial Court on all hearing dates without fail.

(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 anticipatory 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]***; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

05.12.2022

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