



Crl.O.P.No.31438 of 2022

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T.V.THAMILSELVI, J.

The petitioners, who apprehend arrest for the alleged offence under Sections 448, 324, 427, 506(2) of IPC in Cr.No.689 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant and the petitioners A1 and A4 are neighbours. According to the defacto complainant he is single, and residing in the house in his agricultural line and doing agricultural activities. Since he is residing alone in his land, the accused had attempted to usurp his property and has been giving him trouble in so many ways. According to the defacto complainant, just because he has given a complaint to the Collector to remove the unauthorised occupation in the odai poramboke, the accused being aggrieved by that complaint had in fact attempted to kill him once. However, on 27.11.2022 all the four accused are armed with deadly weapons had trespassed into the defacto complainant's house; damaged 2 two wheelers which were placed in the front gear and had also caused damage to the CCTV Cameras placed by the defacto



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complainant. Hence, the case.

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3.The learned counsel appearing for the petitioners would submit that the complaint lodged by the defacto complainant is totally false and concocted one. The petitioners who are agriculturist and they have no wherewithal to commit the act alleged by the prosecution. Learned counsel further submitted that even according to the prosecution the alleged occurrence took place on 27.11.2022 but the complaint was lodged only on 02.12.2022 and there is no explanation for the delay of five days in the lodging complaint and this itself would create a doubt about the alleged occurrence. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.side) would submit that the there was previous enmity between the defacto complainant on the one side and the accused persons on the other side about encroaching the odai poramboke. The defacto complainant had given a petition to the District Collector to take action on the encroacher and thus, there was enmity among



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the parties. According to him on the alleged day of occurrence petitioners are set to have trespassed the defacto complainant's house with deadly weapons and damaged his two 2 wheelers and 5 CCTV cameras worth about Rs.1,50,000/- and the petitioners have also assaulted the defacto complainant and caused injuries. He submits that the investigation is pending. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Taking into consideration the facts and the submissions and that the petitioners are ready and willing to deposit some amount to the credit of Cr.No.689 of 2022 , this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are directed to deposit a sum of **Rs.20,000/- (Rupees Twenty Thousand Only) to the credit of crime No. 689 of 2022** within a period of two weeks from the date on which the order copy made ready, and on such deposit the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the



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learned **Judicial Magistrate, Valapadi** on condition that 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 deposit a sum of **Rs.20,000/- (Rupees Twenty Thousand Only) to the credit of crime No.689 of 2022** within a period of two weeks from the date on which the order copy made ready.

[c] the final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of trial.

[d] the petitioners shall appear before the respondent police as and when required for interrogation.

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial.



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

21.12.2022

vsn

To
The Judicial Magistrate Court, Valapadi.



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