

Crl.O.P.No.31756 of 2022

T.V.THAMILSELVI, J.

The petitioners, who apprehend arrest for the alleged offence under Sections 294(b), 506(i) & 427 IPC in Cr.No.229 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the co-owner of the property in S.Nos.240/1. 240/4, 240/6, situated in Nedungulam Village. The allegation is that due to previous enmity, the accused persons are alleged to have damaged 80 coconut tress situated in the aforesaid property by using JCB and abused the defacto complainant in filthy language. Hence, the case.

3.The learned counsel appearing for the petitioner submits that the petitioners are innocent persons and they have been falsely implicated in this case. He would submit that there was a civil dispute between the petitioners and the defacto complainant, due to which a false complaint has been given as against the petitioners. Hence, he prays to grant anticipatory bail to the petitioners.



4. Mr.A.Natarajan, learned Senior Counsel appearing for the respondent would submit that the defacto complainant is the co-owner of the property in S.Nos.240/1. 240/4, 240/6, situated in Nedungulam Village. The allegation is that due to previous enmity, the accused persons are alleged to have damaged 80 coconut tress situated in the aforesaid property by using JCB and abused the defacto complainant in filthy language. He would submit that it is a case and a case in counter. However, he oppose for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and that there is a civil dispute pending between the petitioners and the defacto complainant and that it is a case and a case in counter, this Court is inclined to grant anticipatory bail to the petitioners.

6. 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 of receipt of a copy of this order, before the learned **District Munsif Cum Judicial Magistrate, Edappadi, Salem District** on condition that 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 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the first petitioner shall report before the respondent police as and when required for interrogation. Insofar as the second petitioner is concerned, he shall report before the respondent police on every Wednesday at 10.30 a.m. for a period of six weeks and thereafter, appear before the trial Court on all hearing dates.

(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;

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(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 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.

23.12.2022*anu*Crl.O.P.No.31756 of 2022