



Crl.O.P.No.31967 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 147, 447, 448, 354 & 506(i) of IPC, in Crime No.188 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the de-facto complainant is the tenant and the first accused is the land lord. The accused have trespassed into the house and assaulted the de-facto complainant's husband and threatened him to vacate the house. Hence the case.

3. Learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He also stated that there was a landlord tenant dispute between the de-facto complainant and the first accused, due to which a false complaint was lodged as against the petitioners, since the petitioners are known to the first accused. He also submitted that the petitioners are no way connected with the alleged



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offence and they are ready to abide by any stringent conditions that may be imposed by this Court. He also submitted that the similarly placed co-accused have been granted anticipatory bail in Crl.O.P.No.2207 of 2022 vide order dated 15.09.2022. Hence, he prays to grant anticipatory bail to the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that due to the landlord tenant dispute, the petitioners along with the other accused have assaulted the de-facto complainant's husband and threatened him to vacate the premises. Therefore, he opposed to grant bail to the petitioners.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel for the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



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7. 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 on which the order copy made ready, before the learned **Judicial Magistrate, Udhagamandalam**, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 report before the respondent police, as and when required for interrogation;

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

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[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.

23.12.2022

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