

**Crl.O.P.No.32428 of 2022****A.A.NAKKIRAN, J.**

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The petitioners who apprehend arrest for the alleged offence under Sections 385, 323, 506(i) of IPC in Cr.No.411 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioners are the tenants and they were living in the complainant house and when the defacto complainant insisted the petitioners to vacate the premises and the petitioners refused to do the same and the petitioners scold and threatened the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and the petitioners have been falsely implicated in this case and they have not committed any offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor submits that the dispute between the petitioners and the de-facto complainant is a landlord and tenant dispute. He further submitted that there are no previous cases pending against the petitioners and further stated that five witnesses were examined. However, he vehemently opposed to grant anticipatory bail to the petitioner.



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5.Considering the facts and circumstances of the case and there is no previous case pending against the petitioners, I am inclined to grant anticipatory bail to the petitioner.

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 ***Judicial Magistrate II, Egmore***, 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 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 petitioners shall report before the respondent police daily at 10.30 a.m. for a period of four weeks and thereafter, as and when required for interrogation;

(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;

(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]***; and;

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

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