



Crl.O.P.No.35 of 2023

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T.V.THAMILSELVI,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 143, 352, 427, 294(b), 506(ii) and 379 of IPC, in Crime No.272 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that due to the existing civil dispute, the accused, by trespassing into the de-facto complainant's property, abused him in a filthy language and taken away the fish to the worth of Rs.1,00,000/- from the de-facto complainant's pond. Hence the case.

3. Learned counsel for the petitioner submitted that the petitioner is an innocent person and due to the previous enmity, he has been falsely implicated in this case. He further submitted that only the de-facto complainant who initiated to assault the petitioner with PVC pipe and gave a false complaint as if he had theft the fish from his pond, which is impossible. He also stated that



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the petitioner has also lodged a complaint as against the petitioner on the same, whereas it was not enquired by the respondent. He further submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that due to the civil dispute the petitioner has trespassed into the house of the de-facto complainant and made a theft of fishes from his pond to the worth of Rs.1,00,000/-. Hence, he opposed to grant anticipatory bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner, on instructions, submitted that without prejudice to the rights, the petitioner is ready to deposit the amount of Rs.10,000/- to the credit of the crime number. Hence, he prays for grant of anticipatory bail to the petitioners.

6. Heard the learned counsel for the petitioner and the learned



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Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record.

7. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner and also taking note of the fact that the petitioner is volunteered to pay a sum of Rs.10,000/- to the credit of the Crime No.272 of 2022, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate, Thiruvarur**, 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, failing which, the petition for anticipatory bail shall stands dismissed and on further condition that:



[a] the petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten thousand only) to the credit of Crime No.272 of 2022 before the learned Judicial Magistrate, Thiruvarur, within a period of two weeks from the date of receipt of a copy of this order and on such deposit, the de-facto complainant is permitted to withdraw the same, on filing undertaking affidavit and proper identification and acknowledgment;

[b] the petitioner 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;

[c] the petitioner shall report before the respondent police every Wednesday at 10.30 a.m. for a period of three months and thereafter, as and when required for interrogation;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner shall not abscond either during investigation or trial;

[f] 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



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petitioner 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]**;

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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