



CrI.O.P.No.458 of 2023

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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 294(b), 447, 427, 323 and 506(ii) of IPC, in Crime No.346 of 2022, seek anticipatory bail.

2. The case of the prosecution is that on the date of occurrence, the petitioners and another accused trespassed into the premises of the de-facto complainant damaged the pipes and assaulted her and also threatened her with dire consequences. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they are nothing to do with the alleged offence. Due to land dispute, a false complaint has been given against them. He would further submit that without prejudice, the petitioners are ready and willing to deposit a sum of Rs.5,000/- to the credit of Crime No.346 of 2022 towards the alleged medical expenses



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incurred by the defacto complainant. Hence, he prays for grant of anticipatory bail.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that due to land dispute, the petitioners and another accused trespassed into the premises of the de-facto complainant damaged the pipes and assaulted her and also threatened her with dire consequences. Thereby, the defacto complainant sustained injuries. Hence, he opposed for grant of anticipatory bail to the petitioners.

5.Heard the learned counsel for the petitioners as well as the learned Government Advocate (crl.side) for the respondent and perused the entire materials available on record.

6.Taking into consideration the facts of the case and the submissions made by the learned counsel and also taking note of the fact that now the petitioners are ready to deposit the said amount, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



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7. Accordingly, the petitioners are directed to deposit a sum of **Rs.5,000/- (Rupees Five Thousand Only) to the credit of Crime No.346 of 2022** and on such deposit and production of proof, 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 No.I, Mettur*, on condition that each of the petitioners shall execute a 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 appear before the respondent Police on every Wednesday at 10.30 a.m., for a period of eight weeks and thereafter as and when required.



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[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]**;

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

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10.01.2023

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