



Crl.O.P.No.1761 of 2023

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T.V.THAMILSELVI, J.

The petitioners, who apprehend arrest for the alleged offence under Sections 427 & 379 of IPC in Cr.No.8 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on the defacto complainant was working in abroad and his having an ancestral property at Arasamarathur Village, Mecheri, Salem District. On 07.12.2022 an unknown person damaged his ancestral property and had stolen the ancient coins, pots etc.,. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the original property belongs to the defacto complainant on 12.07.2023 the 1st petitioner purchased the property through registered saledeed. Thereafter he sold the property to the 2nd petitioner. However, due to previous enmity the defacto complainant had lodged the present complaint. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.



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4.The learned Government Advocate (Crl.side) would submit that it is a civil dispute. Since the investigation is still pending. Hence, he opposed to grant anticipatory bail to the petitioners.

5. Considering the fact that 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 **Judicial Magistrate Court No-2, Mettur**, 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



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identity;

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(b) the petitioners shall report before the respondent police on every Saturday at 10.30 a.m, for a period of six weeks and thereafter, as and when require for interrogation;

(d)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioners 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 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;

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

30.01.2023

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