

Crl.O.P.No.2139 of 2023**T.V.THAMILSELVI, J.**

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The petitioner who apprehend arrest for the alleged offences under Sections 427, 447 and 506(ii) I.P.C., in Crime No.11 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other twenty persons had illegally entered into the property of defacto complainant and damaged the crops in that field. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that petitioner has not committed any offence as alleged by the prosecution. He has been falsely implicated in this case. He further submitted that the petitioner is a cancer patient. He would further submit that the petitioner and the defacto complainant are relatives and there is a civil dispute pending between them. Hence, he prays to grant anticipatory bail to the petitioner.

4.The learned counsel appearing for the Intervenor raised objection, stating that the petitioner trespassed with the JCB Excavators and damaged the plants and paddy crops which belongs to the defacto complainant. The petitioner had damaged the fence and caused interference in the



enjoyment of the defacto complainant's property. Hence, he seeks to dismiss this petition.

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5.As per the FIR, the allegation against the petitioner is that he attempted to trespass and damage the fence despite the injunction order of the Court below. Therefore, it is a civil dispute pending between the parties. The defacto complainant is directed to workout his remedy before the Civil Court. Hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.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 of receipt of a copy of this order, before the learned ***Judicial Magistrate No.II, Coimbatore***, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand Only)** with two sureties (**out of which, one surety must be blood related surety**) 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 petitioner 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 petitioner shall report before the respondent police on every Tuesday and Sunday at 10.30 A.M., for a period of four weeks and thereafter, as and when required for interrogation;

(c) the petitioner shall file an affidavit before the trial Court stating that he will not cause any interference in the enjoyment of the defacto complainant's property in unlawful manner;

(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 petitioners in accordance with law as if the conditions have been imposed and the 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]***; and;

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

28.02.2023

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To
The Judicial Magistrate No.II,
Coimbatore.

T.V.THAMILSELVI, J.



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