



CrI.O.P.No.2835 of 2023

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T.V.THAMILSELVI, J.

The petitioners who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 427, 447 and 506(i) of IPC, in Crime No.62 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 25.01.2023, the petitioners have trespassed into the house of the defacto complainant and damaged their property and thereby criminally intimidated them. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that without prejudice their rights, they would ready to deposit some amount to the credit of Crime No.62 of 2023. Hence, he prays for grant of anticipatory bail to the petitioners.



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4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioners have trespassed into the house of the defacto complainant and damaged their property. Hence, he opposed for grant of anticipatory bail to the petitioners.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.

6.Considering the facts and circumstances of the case and also the fact that the petitioners without prejudice their rights, ready to deposit some amount to the credit of crime No.62 of 2023, this court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners is directed to **deposit a sum of Rs.5,000/- (Rupees Five Thousand Only) totally to the credit of Crime No.62 of 2023** and on such deposit, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a



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period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Omalur, Salem District, on condition that 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 deposit a sum of Rs.5,000/- (Rupees Five Thousand only) totally to the credit of Crime No.62 of 2023, before the concerned Magistrate within a period of two weeks from the date on which the order copy made ready and on such deposit, the defacto complainant is permitted to withdraw the said deposit amount of Rs.5,000/- on filing undertaking affidavit and proper identification



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and acknowledgment;

(c) the petitioners shall report before the respondent police as and when required 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;

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