

CrI.O.P.No.2923 of 2023

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T.V.THAMILSELVI, J.

The petitioner, who apprehend arrest for the alleged offence under Sections 447, 294(b), 323 and 506 (i) of IPC in Cr.No.23 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 19.01.2023 at about 7.00 am the defacto complainant and his wife had entered their vacant land and clean it for the purpose of irrigation. At that time, the petitioner assaulted the defacto complainant and demanded a sum of Rs.10 Lakhs and threatened with dire consequences. Hence the complaint.

3. The learned Counsel for the petitioner submitted that the petitioner is an innocent person and a false complaint has been given against him. He further submitted that the petitioner is the absolute owner of the land, further the defacto complainant was making efforts to grab the property. In this regard, O.S.No.9 of 2023 was filed on the file of Sub Court, Namakkal and the same is pending. Hence, he prays for grant of anticipatory bail to the petitioner.



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4.The learned Government Advocate (Crl.Side) submitted that there was some civil dispute between the petitioner and the defacto complainant and it is case and case in counter. He further submitted that the petitioner had assaulted the defacto complainant and demanded a sum of Rs.10,00,000/-. He further submitted that the injured has been discharged from the hospital. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5.Taking into consideration the facts of the case and the stage of investigation and also of the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the ***learned Judicial Magistrate No.I, Namakkal***, 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 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 10.30a.m., for a period of six weeks;

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

[d] the petitioner 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 petitioner in accordance with law as if the conditions has been imposed and the petitioner is 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;



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

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