



Crl.O.P.No.3068 of 2023

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T.V.THAMILSELVI,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 427, 294(b) and 506(2) of IPC in Crime No.16 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant and the petitioner are the adjacent land owners. While so, on 10.01.2023, when the defacto complainant attempted to repair the fencing put up in his land, at that time, the petitioner along with his family members scolded the defacto complainant with filthy language, attacked him and threatened with dire consequences. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. He further submits that already there was a civil dispute is pending between the defacto complainant's family and the petitioner. Hence, he prays to grant anticipatory bail to the petitioner.



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4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner and the defacto complainant are adjacent land owners and already the civil suit is pending between them. He further submits that there was no injury and no damages to the property. Hence, he vehemently opposed for the grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts of the case and the submissions made by the learned counsels, this Court is inclined to grant anticipatory bail to the petitioner with certain 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.IV, Salem*, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties, 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



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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 alternative days at 10.30 a.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;

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

13.02.2023

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