

Crl.O.P.No.3618 of 2023

T.V.THAMILSELVI, J.

The petitioners who apprehend arrest for the alleged offence under Sections 427, 447, 506(i) of IPC in Crime No.27 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the tenant of the second petitioner. In which, he was running a shop for more than 13 years. Thereafter, the second petitioner sold the property to the first petitioner. Subsequently, these petitioners demolished the defacto complainant's shop without his knowledge and damaged the property worth about Rs.7,00,000/-. Hence, the complaint.

3.The learned counsel appearing for the petitioners submits that the petitioners have not committed any offence as alleged by the prosecution. He further submits that there is a civil dispute pending between the parties with regard to the shop. He further submitted that the second petitioner asked to vacate the premises but the defacto complainant refused and demanded the amount of Rs.10,00,000/- and also filed a suit in O.S.No.192 of 2022. Hence, he prays to grant anticipatory bail to the petitioners.



4.The learned Government Advocate (Crl. side) submits that these petitioners demolished the defacto complainant's shop and damaged the property worth about Rs.7,00,000/-. Hence, he opposed for granting anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also the suit is pending before the trial Court, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on anticipatory 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 II, Hosur*, on condition that the petitioner 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 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 identity;

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

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

(d)the petitioners 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 have been imposed and the petitioner released on anticipatory 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.

28.02.2023

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To
The Judicial Magistrate II,
Hosur,



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