



Crl.O.P.No.4066 of 2023

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T.V.THAMILSELVI,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 427, 447, 294(b), 323 and 506 of IPC in Crime No.12 of 2023, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner trespassed into the *de-facto* complainant's land and damaged the fencing. Thereafter, there was a wordy quarrel between the petitioner and *de-facto* complainant, due to which, he attacked the *de-facto* complainant. Hence, the case.

3.The learned counsel for the petitioner would submit that due a land dispute the petitioner and the *de-facto* complainant, a false complaint has been given against the petitioner. Further, the learned counsel, on instructions, would further submit that the petitioner, without prejudice to his rights, is ready to deposit the amount of **Rs.5,000/- (Rupees Five thousand Only)** to the credit of the crime number. Hence, he prays for grant of anticipatory bail to the petitioner.



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4.The learned Additional Public Prosecutor (Puducherry) would submit that due to a land dispute between the petitioner and the *de-facto* complainant, there was a wordy quarrel between the parties and the petitioner attacked the *de-facto* complainant. Hence, he opposed for grant of anticipatory bail to the petitioner.

5.Taking into consideration the facts and circumstances of the case and also considering the fact that the petitioner is ready and willing to deposit a sum of Rs.5,000/- to the credit of crime number, 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 days from the date on which the order copy made ready, before the **Judicial Magistrate-IV Court, Puducherry** 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 a blood 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, failing



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which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner shall deposit a sum of **Rs.5,000/- (Rupees Five Thousand Only)** to the credit of the crime number within a period of two weeks from the date on which the order copy made ready, before the **learned Judicial Magistrate-IV, Puducherry** and on such deposit, the defacto complainant is permitted to withdraw the said deposit amount on proper identification and acknowledgment;

[b] the petitioner 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;

[c] the petitioner shall report before the respondent Police on every Tuesday at 10.30 a.m. for a period of six weeks;

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



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[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 petitioner 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]**;

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

27.02.2023

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