



Crl.O.P.No.4320 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b) and 506(i) of IPC, in Crime No.115 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that on 06.02.2023 at about 4.00 a.m, the petitioner along with 40 rowdy elements with the help of two JCB vehicles and lorries demolished the three houses belonging to the defacto complainant and also stolen some articles to the tune of Rs..60,00,000/- and while the defacto complainant went along with his mother and sister to enquire the same, at that time, the unknown rowdy persons threatened them with sticks, iron rods and terrible weapons. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and the defacto complainant has given a false complaint against them. He would further submit that there are several



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litigations between the petitioners and the defacto complainant in respect of property and only in order to take possession of the property, a false complaint has been foisted against them. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) would submit that the accused had trespassed into the property belonging to the defacto complainant along with 40 rowdy elements and demolished the three house with the help of JCB and also taken away things worth about Rs.60 lakhs. He further submit that so far as the accused 1, 3, 4 and 5 are concerned they are the habitual offender and there are several cases pending against them and as far as the petitioners 2nd and 6th are concerned, they are ladies, who are relatives to the accused. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. The learned counsel for the intervenor submits that the petitioners along with 40 rowdy persons taking law into their own hand form unlawful assembly and on 06.02.2023 at about 4.00 a.m, the petitioners has trespassed into the property belongs to the defacto complainant and caused damaged to



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the tune of Rs.60 lakhs, for which, the petitioners have given complaint and several cases are also pending against them.

6. In reply, learned counsel for the petitioner would submit that the petitioners are ready to abide by any condition that may be imposed by this Court. He further submit that a false case has been foisted only on account of civil dispute between them.

7. Heard the learned counsel on either sides and perused the entire materials available on record.

8. Taking into consideration the facts of the case and the submissions made by the learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

9. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.2, Chengleput, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the



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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] (i) the petitioners 3, 4 and 5 shall stay at Trichy and report before Contonment Police Station, everyday at 10.30 a.m, for a period of three weeks and thereafter, report before the respondent police every day at 10.30 a.m, until further orders;

(ii) the petitioners 2 and 6 shall report before the respondent police everyday at 10.30 a.m, for a period of two weeks and thereafter as and when required for interrogation and

(iii) the first petitioner, who is an octogenarian and sick, shall report before the respondent police as and when required for interrogation.

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



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[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 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]**;

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

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