



Crl.O.P.No.4411 of 2023

Crl.O.P.No.4411 of 2023

T.V.THAMILSELVI, J.

The petitioners, who apprehend arrest for the alleged offence under Sections 448, 323, 506(1), 468 and 471 of IPC in Cr.No.58 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners have trespassed into the subject property, demolished the compound wall and the trees in it. Hence, this complaint.

3. Learned counsel appearing for the petitioners submits that the petitioners are innocent persons and have not committed any offence as alleged by the prosecution. He further submits that, the petitioners herein are the neighbours of the land owned by the de-facto complainant and they have not caused any interference to the de-facto complainant's property. He furthermore submitted that, the deceased accused A1 had purchased the subject property in the year 2017 and with regard to the property dispute, already there is a Suit in O.S.No.130 of 2017 pending in between the parties before the District Munsif Court, Alandur. Hence, he prays to grant anticipatory bail to the petitioners.



Crl.O.P.No.4411 of 2023

WEB COPY

4. Learned Government Advocate (Crl.Side) appearing for the respondent submits that the accused A1 created forged documents and settled the subject property in favour of the accused A2 and the matter is pending before the Revenue Divisional Officer. He further submitted that, the petitioners herein are Accused A2 & A3 and the petitioners along with other accused persons trespassed into the subject property and damaged the same. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Considering the fact that the issue involved in this case is purely civil in nature and the Suit is pending in between the parties, 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, Alandur, Chennai**, on condition that the petitioners shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten**



Crl.O.P.No.4411 of 2023

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 1st petitioner shall report before the respondent police on every Saturday at 10.30 a.m. for a period of three months and the 2nd petitioner shall appear 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;

(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



Crl.O.P.No.4411 of 2023

with law as if the conditions have been imposed and the petitioners released on anticipatory bail

T.V.THAMILSELVI, J.

skt

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.

02.03.2023

skt



WEB COPY



Crl.O.P.No.4411 of 2023

Crl.O.P.No.4411 of 2023