



Crl.O.P.No.4956 of 2023

Crl.O.P.No.4956 of 2023

WEB COPY

A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 447, 294(b), 323, 324, 506(2) of IPC and also under Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2022, in Crime No.8 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Shiva Ayyadurai, is that, the complainant, Mr.Kutty and his brothers are the owners of the property situated at Vellore District, Tiruppatur Taluk in Survey No.26/1, Yelagiri hills, Athanavur Village, measuring about 1.35 acres. However, the petitioner trespassed into the said property and illegally performed pooja ceremony and she also attempted to erect fence surrounding the property during the pendency of a civil suit in O.S.No.33 of 2019 before the Additional District Court, Vellore at Tirupattur. It is further alleged that the accused along with other persons verbally abused and assaulted him and his family members and also threatened him with



Crl.O.P.No.4956 of 2023

WEB COPY

dire consequences. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and she has been falsely implicated in this case with an ulterior motive to harass the petitioner. He further submits that the subject property was purchased by M/s. Madras Madurai Properties Private Limited in the year 2001 from one K.Suresh and the same was registered as Doc.No.496 of 2007 before the SRO Tirupathur but, the defacto complainant Mr.Kutty, is now illegally claiming that he is the rightful owner of the property and when he was a minor child, the subject property was alienated by his family members. He would further submit that it is a case and case in counter and on the complaint given by the petitioner, a counter case in Crime No.7 of 2022 has been registered against the opposite party. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) appearing for the respondent Police would submit that this is the case and case in counter.



Crl.O.P.No.4956 of 2023

WEB COPY

On 06.05.2022, at about 1.00 p.m., the petitioner illegally trespassed into the subject property and performed pooja ceremony and she also erect fence around the subject property, on account of which, a dispute arose and thereupon the petitioner along with other accused persons abused, assaulted and threatened the defacto complainant and his family members. He further submits that the injured has been discharged from the hospital. However, he would vehemently opposes for grant of anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and also perused the materials available on record.

6. Taking into consideration of the facts and submissions that it is a case and case in counter and also the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



CrI.O.P.No.4956 of 2023

WEB COPY

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate Court No.3, Tirupattur, Vellore District, on condition that the petitioner 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 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 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.

[b] the petitioner shall report before the respondent Police everyday at 10.30 p.m., until further orders.

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



WEB COPY



CrI.O.P.No.4956 of 2023

[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 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]**;

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

09.03.2023

drl

A.D.JAGADISH CHANDIRA, J.



WEB COPY



Crl.O.P.No.4956 of 2023

drl

Crl.O.P.No.4956 of 2023

09.03.2023