



Crl.O.P.No.5241 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, 148, 447, 294(b), 506(ii), 436 & 379 of IPC, in Crime No.71 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Kalaiselvi is that the agricultural land belongs to the defacto complainant's father is situated at Vellalapatti Village to an extent of 3 ½ acres, in that said land, the defacto complainant, her sister and her sister's son had put up a hut and residing there by working as a Coolie. The further allegation is that on 19.02.2023, the petitioners and 12 others came in one car and three two wheelers trespassed into the said land and chased them and abused them in filthy language, and thereafter at about 11.00 p.m, they entered into the house of the defacto complainant and taken away Silver and Aluminium articles worth about Rs.10,000/- and also burned the thatched hut worth about Rs.1,00,000/-. Hence, the complaint.



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3. The learned counsel for the petitioners would submit that the petitioners are innocent and a false complaint has been given by the defacto complainant on account of various civil dispute between them. He further submit that the petitioners have also filed an affidavit of undertaking that they will resort to legal proceedings by approaching Civil Court or before any other appropriate authorities and they will not indulge in any unlawful activities in future. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) would submit that the petitioners have been aggressively harassed the defacto complainant and various civil suit are pending between them. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

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

6. Taking into consideration the facts and circumstances of the case and also the affidavit of undertaking filed by the petitioner, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



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7. 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.I, Attur, 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 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] the petitioners shall report before the respondent police for a period of four weeks and thereafter on every Saturday at 10.30 a.m, until further orders;

[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;



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[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;

8. The affidavit of undertaking shall form part of the Court records.

16.03.2023

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