



Crl.O.P.No.5347 of 2023

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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) IPC and also under Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No. 8 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Siva 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 dire consequences. Hence, the complaint.



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3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and that there is no specific overt act against the petitioner and he has been falsely implicated in this case. 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, which has been registered against the opposite property and hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that this is the case and case in counter. Due to property dispute, on 06.05.2022, the petitioner illegally trespassed into the subject property, on account of which, a dispute arose between them and thereupon the petitioner along with other accused persons abused, attacked and threatened the defacto complainant and his family members. He would further submit that the injured has been discharged from the hospital. However, he vehemently opposed to grant anticipatory bail to the petitioner.



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

6. Taking into consideration the facts of the case and also the submissions of the learned counsel on either side and also taking note of the fact that the injured has been discharged from the hospital, this Court is inclined to grant bail to the petitioner with certain conditions.

7. 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 **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



Crl.O.P.No.5347 of 2023

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 a.m., until further orders.

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

[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.

15.03.2023

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