



Crl.O.P.No.5373 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 offence punishable under Section 147, 294(b), 427, 354 and 506(ii) of IPC in Crime No.93 of 2023, seek anticipatory bail.

2. The case of the prosecution as per the de facto complainant Saratha is that there was a civil dispute pending between her and the petitioners. While so, on the complaint given by one Rajesh, enquiry was conducted and the police had advised the parties to approach the civil Court. While so, the petitioners by using crowbars and JCB, demolished the cattle shed and the house of the defacto complainant and caused damages to the tune of Rs.1,00,000/- and when the same was questioned by the defacto complainant, the petitioners assaulted her with wooden log, resulting in the defacto complainant sustained injuries. Hence the complaint.

3. The learned Counsel appearing for the petitioners would submit that the petitioners are innocent persons and they are nothing to



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do with the alleged offence. He would further submit that admittedly a civil suit is pending between the parties and thereby a false complaint has been given against them. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that due to civil dispute, the petitioners have abused the defacto complainant and assaulted her and also damaged her cattle shed and house and that the damaged value has been assessed as Rs.1 Lakh. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. At this juncture, the learned counsel for the petitioners further would submit that the petitioners are ready to deposit a sum of Rs.5,000/-each to the credit of crime number to show their bonafide and they are ready to cooperate for the investigation. Hence, he prays to grant anticipatory bail to the petitioners.

6. Heard both sides and perused the materials available on record including the FIR.



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7. Taking into consideration the facts and circumstances of the case and the submission of the learned counsel for the petitioners that the petitioners are ready to co-operate for the investigation and they are ready to deposit a sum of Rs.5,000/- each to the credit of the Crime number, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. Accordingly, the petitioners are directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) each to the credit of Crime No.93 of 2023 **within a period of fifteen days from the date of receipt of a copy of this order** and on such deposit, the petitioners are ordered to be released on anticipatory bail in the event of arrest or on their appearance, before the learned **Additional Mahila Court, Perambalur**, on condition that the petitioners shall execute a separate bond for a sum of **Rs.10,000/- (Rupees Ten 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 and on further condition that:



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(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 petitioners are directed to deposit a sum of **Rs.5,000/- (Rupees Five Thousand only)** each, to the credit of Crime No.93 of 2023 within a period of fifteen days from the date of receipt of a copy of this order.

(c)the petitioners shall report before the respondent police on everyday at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation;

(d)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioners shall not abscond either during investigation or trial;

(f)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the



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petitioners in accordance with law as if the conditions have been imposed and the petitioners released on anticipatory 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]***; and;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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