



Crl.O.P.No.5432 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 offences punishable under Sections 147, 148, 447, 294(b), 323, 324, 506(ii) of 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 de facto complainant S.Kutty is that he and his brothers are the owners of the property situated at S.No.26/1, Yelagiri Hills, Athanavur Village, Tiruppattur Taluk, Vellore District, measuring about 1.35 acres. On 06.05.2022 at about 5.30 a.m., the petitioner trespassed into the said property and illegally performed pooja ceremony and he also attempted to erect fence surrounding the subject property during the pendency of a suit in O.S.33 of 2019 before the Additional District Court, Tirupattur Taluk, Vellore District. It is further alleged that the accused along with other persons verbally abused and assaulted the de facto complainant and his family members and also threatened him with dire consequences. Hence the case.



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3. The learned Counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He would further submit 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, Tiruppatur but, the de facto complainant Mr.Kutty, is now illegally claiming that he is rightful owner of the property stating that 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. He would also submit that the petitioner is ready and willing to furnish solvent sureties and to abide by any stringent condition that may be imposed on him. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing



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for the respondent would submit that this is the case and case in counter.

On 06.05.2022, at about 5.30 a.m., the petitioner illegally trespassed into the subject property and performed pooja ceremony and he also erected fence around the subject property, on account of which, a dispute arose and thereupon the petitioner along with other accused person abused, assaulted and threatened the de facto 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.

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

6. Taking into consideration the facts and circumstances of the case and the submissions that it is a case and case in counter and also of 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.



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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 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 a.m., for a period of two weeks and thereafter every Saturday at 10.30 a.m., until further orders.**

[c] the petitioner shall not tamper with evidence or



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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 abscond, a fresh FIR can be registered under Section 229A IPC.

16.03.2023

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