



Crl.O.P.No.5636 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 294(b), 341 of IPC and Section 3 of TNPPDL Act, 1992, in Crime No.33 of 2023, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Kathirvel is that due to land dispute, there was a quarrel between the accused and the defacto complainant. While so on 11.02.2023, when the defacto complainant initiated steps to put fencing in his property, the accused came there and abused the defacto complainant and assaulted him and they also damaged the fencing. Thereafter, the defacto complainant gave a complaint at Kundadam Police Station, Tiruppur District and subsequently, the present case in Crime No.33 of 2023 was registered. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and a false complaint has been given due



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to land dispute. He would further submit that on account of civil dispute, the defacto complainant by using his man power has also given another false complaint against the petitioner and his brother as if they, caused injuries to the defacto complainant by using iron rod and wooden logs and damaged his car bearing No.TN 37 BF 4471. He would further submit that the co-accused in the present case has been granted anticipatory bail by this Court in Crl.O.P.No.4419 of 2023 by order dated 02.03.2023 and hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) for the respondent Police would submit that the petitioner and the defacto complainant are having land dispute between them and that the accused have not only damaged the fencing of the defacto complainant, but also abused and assaulted him. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

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



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6. Considering the above facts and circumstances of the case and the submissions made on both sides, this Court is inclined to grant anticipatory 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 No.II, Udumalaipettai**, on condition that each of the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties** 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 his Aadhar card or Bank pass Book to ensure their identity.



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**[b] the petitioner shall report before the respondent police every day at 6.30 p.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.

**13.03.2023**

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