



Crl.O.P.No.5648 of 2023

Crl.O.P.No.5648 of 2023

WEB COPY

A.D.JAGADISH CHANDIRA,J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 323, 427, 454, 380, 506(ii) of IPC, in Crime No. 20 of 2023, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Arumugam is that, on 05.12.2022, while the defacto complainant's aunty along with her four daughter went to her agricultural land, at that time, the petitioners and his son had broken the water pipe line and trespassed into the defacto complainant's aunty house and taken away a sum of Rs.60,000/-. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners and the defacto complainant are close relatives and due to property dispute between them a false complaint has been foisted against the petitioners. He further submits that the petitioners are ready



Crl.O.P.No.5648 of 2023

to abide by any condition as may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) would submit that due to property dispute, on the date of occurrence, while the defacto complainant's aunty went to her agricultural land along with her daughter, at that time, the petitioners and his son had broken the water pipe line and also trespass into the defacto complainant's aunty house and taken away a cash of Rs.60,000/-. He further submit that there is no external injury for the defacto complainant. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and the submissions made by the learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



Crl.O.P.No.5648 of 2023

WEB COPY

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate No.I, Kallakurichi, 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 first petitioner is directed to appear before the respondent police on everyday at 10.30 a.m, until further orders and the second petitioner shall report before the respondent police for a period of two weeks and thereafter as and when required for interrogation;

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



WEB COPY



Crl.O.P.No.5648 of 2023

A.D.JAGADISH CHANDIRA,J.

drl

[d] the petitioners 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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

14.03.2023

drl

Crl.O.P.No.5648 of 2023