



Crl.O.P.No.6559 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 461, 427, 504 and 506(i) of IPC, in Crime No.141 of 2023, seeks anticipatory bail.

2. The case of the prosecution as per the de facto complainant S.Krishnaveni is that the petitioner/accused had trespassed into her office premises and caused damages to CCTV and stolen other articles to the tune of Rs.6,19,000/-. Hence the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and a false complaint has been given on account of a lessee/lessor dispute. He further submitted that it is a case and case in counter and on the complaint given by the petitioner, a counter case in Crime No.142 of 2023 has been registered against the de facto complainant for the offences punishable under Sections 339, 448, 425 and 506(ii) of IPC. He submitted that the co-accused, whose name finds place in the FIR has already been granted anticipatory bail by



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this Court in Crl.O.P.No.6058 of 2023 on 17.03.2023. He further submitted that the petitioner has no previous against him. He also submitted that the petitioner is ready and willing to furnish solvent sureties and 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 for the respondent police submitted that it is a case and case in counter. He further submitted that on account of lessee/lessor dispute, the petitioner along with 30 other members had trespassed into the office premises of the de facto complainant, caused damages to the articles and also committed theft of scrap materials to the tune of Rs.6,19,000/-. He further submitted that there is no previous case pending as against the petitioner. 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.



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6. Taking into consideration of the facts and submissions that it is a case and case in counter and the petitioner has no previous case and further on the complaint given by the petitioner, the counter case was also registered in Crime No.142 of 2023, 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-II, Poonamallee**, 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



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

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