



Crl.O.P.No.7328 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 alleged offences punishable under Sections 447, 427 & 506(ii) of IPC in Crime No.178 of 2023, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that, the accused and the defacto complainant on account of land dispute, dashed each other cars resulted in both the cars getting damaged. The further allegation is that the petitioner had also intimidated the defacto complainant and trespassed into their property and caused damaged to the cars to the tune of Rs.2 lakhs. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that it is a case and case in counter. He further submit that the fact remains that the defacto complainant in this case is the aggressor and the defacto complainant had assaulted the petitioners and his wife and based on the complaint given by the petitioner side, a case in Crime No.177 of



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2023 has been registered against the defacto complainant by the respondent police for the offence under Sections 294(b), 427 and 307 of IPC. He further submit that based on the complaint given by the petitioners, the defacto complainant was arrested and subsequently, he was enlarged on bail. He further submit that the petitioners are the victims in this case, whereas due to pressure of the defacto complainant a false complaint has been given against them. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) would submit that this is the case and case in counter. He further submit that the petitioners and the defacto complainant are the adjacent land owners and there was a dispute with regard to boundaries and thereby on 20.03.2023, there was a fight between the parties and they assaulted each other and they also caused damaged to the cars to the tune of Rs.2 lakhs and thereby he opposed for the grant of anticipatory bail to the petitioners.

5. Mr.S.Suresh, learned counsel for the intervenor would submit that the petitioners assaulted the defacto complainant and also intimidated them and also caused damaged to the cars to the tune of Rs.2 lakhs. Hence, he opposed



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to grant anticipatory bail to the petitioners.

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6. Heard the learned counsel for the petitioners, learned counsel for the intervenor and the learned Government Advocate (CrI. Side) and also perused the materials available on record.

7. Taking into consideration the facts of the case and also the submissions of the learned counsel on either side, this Court is inclined to grant bail to the petitioners with certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate, Avinashi**, on condition that the petitioners shall execute a separate 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

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and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent police everyday at 10.30 a.m., for a period of four weeks;

[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.

06.04.2023

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