



Crl.O.P.No.7736 of 2023

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WEB CO **A.D.JAGADISH CHANDIRA, J.**

The petitioners, who apprehend arrest for the alleged offences under Sections 147, 148, 447, 427 and 506(ii) of IPC in Crime No.86 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Mohanam is that he is the owner of the plot in S.No.254/6, 7, 8 bearing Plot No.23 A and patta No.1180, ad measuring to an extent of 2010 sq. ft and he had started constructing his house in the patta land. While so, the accused have unlawfully assembled and armed with weapons and have caused damage to the construction worth about Rs.5 lakhs by using JCB. Further, the accused have also intimidated the defacto complainant. Hence the case.

3.The learned counsel for the petitioners would submit that the petitioners are public spirited persons belonging to the Pattanur Village and the defacto complainant had encroached upon a public land and put up a



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construction in the said land and the petitioners, as the members of the Shri Ram Nagar People Welfare Association, have taken steps to remove the encroachment and other than taking steps to remove the encroachment, the petitioners have not committed any offence as alleged by the prosecution. Hence, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (crl.side) appearing for the respondent Police would submit that the defacto complainant, who is the owner of the plot, having patta and all other documents for putting up construction in his land, while so, the petitioners have taken law into their hands and have demolished the structure put up by the defacto complainant and have caused loss to the tune of Rs.50,000/-. Hence, he opposed for grant of anticipatory bail to the petitioners.

5. The learned counsel for intervenor would submit that the defacto complainant, who is the retired law college professor and now a practicing Advocate, by his hard earned money, had purchased a property and he has also been issued with patta by the authority concerned and he has put up a



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construction in it, whereas, the accused, on the instigation of the present Panchayat President, have taken law into their hands, have demolished the construction put up by the defacto complainant and caused loss to the defacto complainant and also threatened the defacto complainant with dire consequences. Hence, he opposed for grant of anticipatory bail to the petitioners.

6.At this juncture, the learned counsel for the petitioners would submit that the dispute with regard to the ownership of the property is pending and the petitioners, to show their bonafides, without prejudice to their defense and contention, are ready and willing to deposit a sum of Rs.25,000/- each to the credit of crime number. Hence, he prayed for grant of anticipatory bail to the petitioners.

7.Heard the learned counsel for the petitioners as well as the learned Government Advocate (crl.side) and perused the entire materials available on record.



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8. Considering the above facts and circumstances of the case and the submissions made by the learned counsel on either side and also considering the fact that the petitioners are volunteered to deposit a sum of Rs.25,000/- each to the credit of crime number, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

9. Accordingly, the petitioners are directed to deposit a sum of Rs.25,000/- each to the credit of Crime No.86 of 2023, without prejudice to their rights and contentions before the trial Court and on such deposit, 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, Vanur, Villupuram District on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten 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:

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[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 petitioners shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, on every Saturday at 10.30 a.m., until further orders;

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

[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]**;



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[f] If the accused thereafter absconds, a fresh FIR
can be registered under Section 229A IPC;

13.04.2023

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