



Crl.O.P.No.8004 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 alleged offence punishable under Sections 147, 448, 506(2) IPC in Crime No.50 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant namely one Sivaraman is running a company and that he had purchased a property measuring 8.26 Acres by way of bank auction and the company was in possession of the same. While so, on 01.03.2023 at about 04.33 p.m., one Abraham along with nine others trespassed into the defacto complainant's company with deadly weapons like Arival, crow bar and wooden logs and threatened the defacto complainant and the securities with dire consequences. Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this



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case. He submitted that other than being a land broker, who had accompanied the other accused to visit the premises, he has not committed any offence as alleged by the prosecution. The defacto complainant in order to take possession has given a pre-emptive complaint to the respondent in respect of an incident which has not happened. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that the petitioner along with other accused have threatened the defacto complainant and also caused injuries. Hence, he opposed for grant of anticipatory bail to the petitioner.

5.Mr.P.Krishnan, the learned counsel appearing for the defacto complainant / Intervenor submitted that on 01.03.2023, the accused have threatened the defacto complainant with deadly weapons and caused injuries. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.



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6. Heard both sides and perused the materials available on record including the FIR.

7. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. 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-I, Alandur on condition that 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



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photographs and left thumb impression in the surety bond and the Magistrate/trial Court 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 Station everyday 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] 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 petitioners released on bail by the learned Magistrate/Trial Court, as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;

[f] if the petitioner herein thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.



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9. Accordingly, the Criminal Original Petition is ordered.

27.06.2023

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