



Crl.O.P.No.8402 of 2023

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S.SOUNTHAR, J.,

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 448, 506(i) of IPC in Crime No.231 of 2023, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant namely Kalai Selvi is that on 29.03.2023, due to property dispute, on the instigation of the petitioners, the husband of the 1st petitioner along with other accused, trespassed into the house of the defacto complainant when no one was there in the house and threw away all the household articles on the road and also closed the way by putting a construction and thereby, prevented the defacto complainant from entering into her property. Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and a false case has been foisted against them due to property dispute. Hence, he prayed for grant of anticipatory bail



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to the petitioners.

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4. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that on the instigation of the petitioners, the other accused trespassed into the house of the defacto complainant and threw away all the household articles on the road and also put a construction in order to prevent the defacto complainant from entering into the property. Hence, he opposed for grant of anticipatory bail to the petitioners.

5. Heard the learned Counsel for the petitioners and the learned Government Advocate (Crl. Side) for the respondent and also perused the materials available on record.

6. Having regard to the nature of allegations made against the petitioners in the FIR and also of the fact that the petitioners have no bad antecedents, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail



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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-II, Poonamallee**, on condition that the petitioners shall execute separate bonds 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:

[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 his 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 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.

[d] the petitioners shall not abscond either during



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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 absconds, a fresh FIR can be registered under Section 229A IPC.

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