



Crl.O.P.No.8703 of 2023

Crl.O.P.No.8703 of 2023

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

The petitioner, who apprehends arrest for the alleged offences under Sections 427, 447, 294(b), 354, 355 and 506(ii) of IPC in Crime No.131 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that due to property dispute, the petitioner has trespassed into the house of the defacto complainant, who is the mother of the petitioner, assaulted his mother and sister with hands and slap them with sandals. Hence the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that there was a dispute pending between the petitioner on one side and mother and sister on other side. The sister of the petitioner is a councilor and she is instigating her mother to give a false complaint against the petitioner. Thereby, he seeks for grant of an anticipatory bail to the petitioner.



WEB COPY

4. The learned Government Advocate (crl.side) appearing for the respondent Police would submit that the petitioner had trespassed into the house of the defacto complainant and assaulted his mother and sister with hands and also slapped them by using sandals. He would further submit that the entire episode has been recorded in a CCTV footage. He would further submit that there is an earlier order passed by the learned Judicial Magistrate, Kumarapalayam, in DVAC. NO.1 of 2021 dated 23.01.2023, whereby, the Court had directed the petitioner not to disturb his mother. Despite the order being passed by the Court, the petitioner had trespassed into the house of his mother and harassed her. Hence, he opposed for grant of anticipatory bail to the petitioner.

5.The learned counsel for the intervenor vehemently opposed for grant of anticipatory bail to the petitioner stating that it is a case where the petitioner had trespassed into the house of the defacto complainant, who is the mother of the petitioner and assaulted his own mother and sister with hands and also slap them by using sandals. He would also submit that the entire episode has been recorded in the CCTV footage.



WEB COPY

6.At this juncture, the learned counsel for the petitioner would submit that today the petitioner has filed an affidavit of undertaking, wherein, he has stated that he will not disturb his mother in any manner and that he will obey the order made in Crl.M.P.No.124 of 2021 in DVAC.No.1 of 2021 dated 23.01.2021 by the Judicial Magistrate, Kumarapalayam and further, the petitioner has repented and also given his apology for what had happened in the past and he will meet all the cases in the manner known to law.

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.

8. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel on either side and also the considering the affidavit of undertaking filed by the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



Crl.O.P.No.8703 of 2023

9. Accordingly, the Undertaking Affidavit filed by the petitioner shall form part and parcel of this order and 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, Kumarapalayam, on condition that the petitioner shall execute a 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:

[a] the petitioner 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 petitioner shall stay at Coimbatore and report before the Inspector of Police, R.S.Puram Police Station, everyday at 10.30 a.m., until further orders; However, it is made clear that the petitioner shall not enter into the jurisdictional limits of the respondent



Police, other than the dates he requires to attend the Court hearings, 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;

14.06.2023

vk

(1/2)



WEB COPY



Crl.O.P.No.8703 of 2023

A.D.JAGADISH CHANDIRA, J.

vkr

Crl.O.P.No.8703 of 2023

14.06.2023
(1/2)