



Crl.O.P.No.8983 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 offences punishable under Sections 294(b), 323,506(i) of IPC read with Section 4 of TNPHW Act in Crime No.94 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is residing in the house owned by the 1<sup>st</sup> petitioner as a tenant for past 7 years. On 28.02.2023, the 1<sup>st</sup> petitioner asked the defacto complainant to vacate the house, for which the defacto complainant sought one month time to vacate the house. While being so, on 02.04.2023, the petitioners visited the defacto complainant's house and pushed the defacto complainant and her family members and also threatened them with dire consequences. Hence, the case.

3. The learned counsel for the petitioners would submit that the



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petitioners are innocent persons and they have been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that on 28.02.2023, the 1<sup>st</sup> petitioner asked the defacto complainant to vacate the house, for which the defacto complainant sought one month time to vacate the house. While being so, on 02.04.2023, the petitioners visited the defacto complainant's house and pushed the defacto complainant and her family members and also threatened them with dire consequences. He would further submit that the injured has been discharged from the hospital. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Heard the learned counsels appearing on either side. Taking into consideration the facts and circumstances of the case and the injured has been discharged from hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



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6. 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, Katpadi, on condition that each of the petitioners 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 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., until further orders.

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



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

28.04.2023

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