



Crl.O.P.No.9121 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 448, 427, 294(b), 324 and 506(ii) IPC in Crime No.149 of 2023, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution as per the defacto complainant Kanagasundhari is that she is a tenant under the 1st petitioner. She had agreed to vacate the house on 27.02.2023. However, due to personal problem she could not vacate the house. Subsequently, she was admitted in the hospital for heart problem and during such time, the 1st and 2nd petitioners broke open the lock and had thrown out all the household articles of the defacto complainant and also caused damages to her articles. On coming to know about the same, she had lodged a complaint to the respondent police by post since she was admitted in the hospital. Subsequently, on 10.04.2023 the defacto complainant had gone to her rental house to check her articles. At that time, the petitioners abused her in filthy language and also assaulted her with iron rod and wooden log. Hence, the case.



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3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He would submit that the defacto complainant had not paid the rents and E.B. Bills for several months. Further, eventhough she had left the house and she was not staying in the house, she has given a false complaint as if, the petitioners committed theft of her household articles. The fact remains that the defacto complainant had left few household articles before leaving and during the last occasion, this Court had directed the petitioners to return her articles and that the petitioners were ready to return her articles. However, the defacto complainant did not turn up for taking her articles. Hence, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent opposed for grant of anticipatory bail to the petitioners stating that the defacto complainant is a tenant under the 1st petitioner and when the defacto complainant was away from her house, the



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petitioners have broken open the lock and thrown out the household articles and when she came back, they have also abused and assaulted her.

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

6.Taking note of the facts and circumstances of the case and the submissions made by the learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8.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 District Munsif cum Judicial Magistrate, Neyveli**, on condition that the petitioners shall execute a separate bond for a sum of **Rs.10,000/-**



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(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 1, 3 and 4 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.

The 2nd petitioner shall report before the respondent police as and when required for interrogation.

[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 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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