



Crl.O.P.No.11228 of 2023

Crl.O.P.No.11228 of 2023 and
Crl.M.P.No.7444 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 147, 148, 294(b), 380, 427 and 506(i) of IPC, in Crime No.104 of 2023 on the file of the respondent Police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Palani is that the accused had encroached upon the public land in S.No.21/1. The defacto complainant had filed writ petition and obtained an order for removal of encroachments to make the encroached place available for public and the encroachment was removed. Thereafter, the encroachers assembled unlawfully in the house of the defacto complainant and had assaulted the defacto complainant and his family members and caused damages to their vehicle and took away 5 sovereigns of jewels in the house of the defacto complainant. Hence, the case.



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3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He would further submit that the petitioners are the villagers and there was a dispute between the petitioners and the defacto complainant and his family members and hence, a false complaint has been given. He would submit that subsequent to the registration of the case, the petitioners were made to run away from the village and the respondents had also removed the encroachments. He would also submit that the petitioners are ready to willing to abide by any stringent condition that may be imposed on them. Hence, he would pray for the grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioners have encroached upon the public land and caused trouble to the villagers. Pursuant to the order passed by this Court in a writ petition the encroachment was removed. During such time, the petitioners have abused and assaulted the defacto



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complainant and caused damages to the vehicles. He would also submit that as far as A1 and A2 are concerned, they have got two previous cases and others do not have any previous case. However, he vehemently opposed to the grant anticipatory bail to the petitioners.

5. The learned counsel for the Intervenor would submit that the petitioners in a high-handed manner encroached upon the public land and prevented the other villagers from using the place. Pursuant to the writ petition filed, the encroachment was removed. He also vehemently opposed to the grant of anticipatory bail to the petitioners.

6. Heard both sides and perused the materials available on records.

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



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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 Judicial Magistrate, Sholingar**, on condition that the petitioners shall execute a separate 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 A1 and A2/petitioners shall stay at Dindigul and report before the Dindigul Town Police Station everyday at 10.30 a.m., until further orders and others report before the respondent police station everyday at 10.30 a.m., for a period of three weeks and thereafter every Saturday at 10.30 a.m., until further orders;**



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

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

Consequently, connected Miscellaneous Petition is closed.

08.06.2023

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