



Crl.O.P.No.11929 of 2023

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V.LAKSHMINARAYANAN, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 447, 427, 294(b) & 506(ii) of IPC, in Crime No.158 of 2023, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant was enjoying his father's property for the past 35 years. While being so, the first and third petitioners along with other accused, threatened the defacto complainant to vacate the property or else they will demolish it. On 08.05.2023, the petitioners have trespassed into the property of the defacto complainant, demolished the property and caused damage worth about Rs.1,00,000/-, abused the defacto complainant with filthy language and threatened him with dire consequences. Hence the case.

3. The learned counsel for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution



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and he further submitted that the petitioners are innocent persons. Hence, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that due to property dispute between the petitioners and the defacto complainant, the petitioners abused the defacto complainant with filthy language, trespassed into the defacto complainant's property and caused damage worth about Rs.1,00,000/- and threatened him with dire consequences. Hence, he opposed for grant of anticipatory bail to the petitioners.

5. Heard both sides and perused the materials available on record.

6. Taking into consideration, 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.

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



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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, Tiruchengode** on condition that each of the petitioners shall execute 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 deposit a sum of Rs.50,000/- (Rupees Fifty Thousand Only) to the credit of Crime No.158 of 2023, within a period of two weeks from the date of receipt of copy of this order and produce the receipt before the concerned Magistrate.

[c] the petitioners shall report before the respondent police as and when required for interrogation.

[d] the petitioners shall not tamper with



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evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

24.05.2023

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