



Crl.O.P.No.12426 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 alleged offences punishable under Sections 147, 294(b), 506(i) of IPC and Section 3(1) of Prevention of Damage to Public Property Act, 1984, in Crime No. 167 of 2023, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that, due to previous land dispute, on 26.05.2023, when the defacto complainant was in his residence, the first petitioner along with other accused had threatened him with dire consequences using filthy languages. During such time, the second petitioner along with some other persons had damaged the windshield of the defacto complainant's new car using iron rod. Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that the defacto complainant had earlier given the complaint against the petitioners and the petitioners are arrested and released on bail and antigen by the same, a false complaint



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has been given against him. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioners had earlier assaulted the defacto complainant for which a case in Crime No.88 of 2022 was registered for the offence under Section 307 IPC. He further submit that the accused were released on bail and later they have threatened the defacto complainant to withdraw the case and they also caused extensive damage to the new vehicle belonging to the defacto complainant. Hence, he object for grant of anticipatory bail to the petitioner.

5. The learned counsel for the intervenor would submit that the petitioners are habitual offenders and they have earlier assaulted the defacto complainant and the respondent police have registered a case under Section 307 of IPC and they have been arrested and released on bail and later the accused had threatened the defacto complainant to withdraw the complaint and also caused damaged to the new car purchased by the defacto complainant.

5. Heard the learned counsel for the petitioners, learned



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

6. Taking into consideration the facts of the case and the submissions made by the learned counsel, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. 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 II Judicial Magistrate, Thiruvannamalai District** on condition that the petitioners shall execute 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.



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[b] the petitioners shall stay at Tirunelveli and report before the Tirunelveli Town Police Station everyday at 10.30 a.m., until further orders.

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

07.06.2023

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