



Crl.O.P.No.12542 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 457, 380 of IPC in Crime No. 129 of 2023, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that the defacto complainant entered into a rental agreement with the first petitioner for running a factory. Whiles, the first petitioner had demanded an increased rental amount of Rs.1.25 lakhs and when the defacto complainant had refused to pay the amount, the accused in the absence of defacto complainant, dismantled the machineries and taken away the same and inducted another tenant in the premises. Hence the complaint.

3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that the defacto complainant was the



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original tenant and the defacto complainant without the knowledge of the first petitioner, subleased the premises to third party and also he had gone away without paying the defaulted rental amounts. He would further submit that now the defacto complainant has given a false complaint as against the petitioners. He would further submit that though the defacto complainant has stated that 26 machineries are missing, the respondent police have recovered 22 machineries from the agricultural land.

4. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that the defacto complainant is a tenant under the first petitioner. The first petitioner is the building owner and the second and third petitioners are his associates and they have evicted the defacto complainant illegally from the premises of the first petitioner and had taken the defacto complainant's machineries and thrown them out in the field. He would further submit that out of 26 machineries, 22 machineries have been recovered and four of them are yet to be recovered. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.



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

6. Taking into consideration the facts and circumstances of the case, 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 Judicial Magistrate, Komarapalayam** on condition that each of 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 :



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[a] the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/trial Court 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 every day 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] 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 petitioner released on bail by the learned Magistrate/Trial Court, as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;



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[f] if the petitioners herein thereafter absconds,
a fresh FIR can be registered under Section 229-A IPC.

8. Accordingly, the Criminal Original Petition is ordered.

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