



Crl.O.P.Nos.13790 & 13791 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioners, in Crl.O.P.No.13790 of 2023, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 506(i) and 427 of IPC, in Crime No.441 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The petitioner, in Crl.O.P.No.13791 of 2023, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 324, 506(i), 183, 186 and 189 of IPC, in Crime No.440 of 2023 on the file of the respondent police, seeks anticipatory bail.

3. The case of the prosecution is that when the defacto complainant had gone to the recovery possession of the property, pursuant to the Court order along with officials, the petitioners have abused and assaulted them. Hence, the case.



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4. The learned counsel for the petitioners would submit that there is a civil dispute pending between the parties and the Civil Revision Petition is also pending before this Court. However, without proper order, the defacto complainant attempted to evict the petitioners, without following due process of law and to evict the petitioners by force of police. Hence, he prays for grant of anticipatory bail to the petitioners.

5. The learned Government Advocate (Crl. Side) submitted that the case in crime numbers, both the cases, are in respect of one and the same occurrence. The first complaint was given through the employee and the second complaint was given by the opposite party. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

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

7. Taking note of the facts and circumstances of the case and the submissions made by the learned counsel on either side, this Court is



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inclined to grant anticipatory bail to the petitioner 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 No.IV, Tiruppur**, on condition that the petitioners shall execute separate bonds for a sum of **Rs.10,000/- (Rupees Ten Thousand only) each 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 report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter, on 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 absconds, a fresh FIR can be registered under Section 229A IPC.

21.06.2023

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