



Crl.O.P.No.13705 of 2023

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RMT. TEEKAA RAMAN.,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 427, 341, 448, 294(b), 336 & 506(i) of I.P.C in Crime No.183 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant/ Pushpakumar is that he owned a land in S.No.32/11B1 and 32/11B2 at Pannur Village. On 27.05.2023, the accused trespassed into the land of the defacto complainant and damaged the compound wall, which is situated in the land and when it was questioned by the brother of the defacto complainant, the accused have abused, assaulted him by using stones and also threatened him. Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they are the original owners of the property. He would further submit that the father of the defacto complainant purchased the property without paying any amount, for which, a civil suit is



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pending between the parties. He would further submit that they are ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of anticipatory bail to the petitioners.

4.The learned counsel for the intervener would vehemently oppose for grant of anticipatory bail to the petitioner stating that due to previous enmity with regard to a civil suit, the petitioners trespassed into the land belongs to the defacto complainant and damaged the compound wall and the same was questioned by the brother of the defacto complainant, the petitioners have abused, assaulted the defacto complainant and threatened him. Hence, he prayed for dismissal of the petition.

5.The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that due to civil dispute, the petitioners trespassed into the land belongs to the defacto complainant and damaged the compound wall. When it was questioned by the brother of the defacto complainant, the petitioners have abused, assaulted the defacto complainant and threatened him. He would further submit that the investigation is still pending. Hence, he opposed for grant of anticipatory bail to the petitioners.



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6.Heard the learned Counsel for the petitioners and the learned Government Advocate (crl.side) and perused the materials available on record.

7.Taking into consideration the facts and circumstances of the case and also the submissions made by the learned counsel on either side and also considering the nature of the offence committed by the petitioners, this Court is not inclined to grant anticipatory bail to the petitioners.

8.Accordingly, this Criminal Original Petition is dismissed.

09.08.2023

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