



Crl.O.P.No.14135 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 offence punishable under Sections 447, 463, 464, 466, 467, 468, 471, 506(1) and 34 IPC in Cr.No.2 of 2023, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant one K.Raja is that there are civil disputes pending in respect of the property in MamandurVillage and in respect of which, on 09.09.2021, he had obtained power of attorney in his name. Due to enmity, earlier the accused had dashed the defacto complainant with a tractor, resulted in him sustaining injuries. While so, on 21.04.2022, while the defacto complainant was clearing the bushes along with his son, the accused had formed into an unlawful assembly and trespassed into the land and threatened him with dire consequences. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner has been falsely implicated in the case and he has nothing to do with the said allegation. He would further submit that admittedly, there are civil



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litigations pending between two groups of legal heirs and the subsequent purchasers who claim to have purchased from them. Whereas, the defacto complainant, in order to take possession of the property by police action has given a false complaint against the petitioners. He would further submit that as per the prosecution, the main allegations are only attributed in respect of A7. He would submit that the first and second petitioner are senior citizens and the third petitioner is the son of the first petitioner and that they are ready to abide any stringent condition that may be imposed by this Court.

4. Learned Government Advocate (Crl.Side) for the respondent police would submit that there are civil disputes pending between the parties. On 21.04.2022, the accused have trespassed into the property of the defacto complainant, abused and assaulted him. He would further submit that A7 has filed an application for anticipatory bail before this Court in Crl.O.P.No.7858 of 2023 and the same was dismissed on 26.04.2023. Hence, he opposed to grant anticipatory bail to the petitioners.



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5. In reply, the learned counsel for the petitioners would submit that subsequent to the dismissal of the anticipatory bail petition, A7 was issued a notice under Section 41 (A) Cr.P.C and he has also appeared for enquiry before the investigating officer. He would submit that the petitioners are ready to co-operate for enquiry.

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

7. Taking into consideration the facts and circumstances of the case and the undertaking of the petitioners that they are ready to cooperate for investigation, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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.II, Chengalpattu on condition that the petitioners shall execute a separate



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bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), with two sureties 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/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 daily at 10.30 a.m., for a period of one week and thereafter, every Saturday 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 petitioner 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



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against the petitioner in accordance with law as if the conditions have been imposed and the petitioners 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;

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

27.06.2023

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Crl.O.P.No.14221 of 2023

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