



Crl.O.P.No.14796 of 2023

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G.CHANDRASEKHARAN. J.

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 448, 294(b), 352, 427 and 506(ii) of IPC in Crime No.399 of 2023 on the file of the respondent police, seek anticipatory bail.

2. It is the submission of the learned counsel for the petitioners submitted that, in a land dispute between the petitioners and the defacto complainant, false complaint was given against the petitioners by the defacto complainant and on the basis of the complaint, FIR in Crime No.399 of 2023 was registered. Therefore, he prays for granting anticipatory bail to the petitioners.

3. The learned Government Advocate (Crl,. Side) opposes the petition on the ground that, in a property dispute, petitioners had illegally trespassed into the defacto complainant's house and hit the defacto complainant and made death threat and also damaged the compound wall.



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4. Considering the facts, nature and circumstances of the case that the alleged incident had happened due to property dispute, this Court is inclined to grant anticipatory bail to the petitioners for the reason that, custodial interrogation of the petitioners is not necessary in this case.

5. Accordingly, 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.I, Mannargudi, Thiruvarur District** on condition that the petitioners shall execute separate bond for a sum of **Rs.25,000/- (Rupees Twenty Five 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 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 petitioner without prejudice to his defence shall deposit a sum of Rs.25,000/-(Rupees Twenty Five Thousand only), to the credit of the Crime No.399 of 2023 before the Judicial Magistrate No.I, Mannargudi, Thiruvarur District. On such deposit, learned Magistrate is directed to use the amount under Section 357 of Cr.P.C for rewarding victim compensation; Payment of this amount will not amount to admission of guilt of the petitioner.

[c] the petitioner shall report before the respondent police daily at 10.30.a.m., until further orders.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.



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[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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