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Crl.O.P.No.15124 of 2023

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G.CHANDRA SEKHARAN, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under **Sections 294(b), 323 341, 427 and 506(i) of IPC**, in Crime No.153 of 2023, on the file of the respondent police, seek anticipatory bail.

2. The learned counsel for the petitioners submitted that the petitioners and the defacto complainant are adjacent land owners and there was a previous enmity between them in connection with enjoyment of their properties. As a result of previous enmity, a false complaint has been given against the petitioners. Apprehending arrest, this petition is filed seeking anticipatory bail.

3. In response, the learned Government Advocate (Crl. Side) submitted that, due to previous enmity, the petitioners had damaged the crops of the defacto complainant using of JCB and thereby, caused loss to the tune of Rs.10,000/-



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4. Considering the nature, the facts and circumstance of the case, this Court is of the view that the custodial interrogation of the petitioners is not necessary. Hence, this Court is inclined to grant anticipatory bail to the petitioners with condition.

6. 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-V, Vellore**, on condition that 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 may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioners without prejudice to their defence, shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) jointly, to the credit of the Crime No.153 of 2023 before the learned Judicial Magistrate No.V, Vellore, at the time of executing bail bond. On such deposit, the 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 petitioners.

[c] the petitioners shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter, every Saturday at 10.30 a.m., until further orders;

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioners shall not abscond 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 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].

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

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