



Crl.O.P.No.15203 of 2023

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G.CHANDRASEKHARAN. J.

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 427, 506(1) of IPC in Crime No.160 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. It is the submission of the learned counsel for the petitioner submitted that, petitioner is falsely implicated in a case registered for the offence under Sections 294(b), 427, 506(1) of IPC in Crime No.160 of 2023. Apprehending arrest, this petition is filed.

3. In response, learned Government Advocate (Crl. Side) submitted that, there is a property dispute between the petitioner and the defacto complainant. As a result, on 16.06.2023 at about 07.00.p.m., accused had trespassed into the Dhanalakhsmi Harikrishnan Marriage Hall and had damaged 33 Cement Post kept for fencing the Marriage Hall. The loss caused to the defacto complainant is to the tune of Rs.51,500/-. Hence, he opposed for grant of bail to the petitioner.



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4. Considering the nature, facts and circumstances of the case and that the injured victim has been discharged from the hospital and that the material part of the investigation might have been over by this time, this Court inclined to grant anticipatory bail to the petitioner for the reason that, custodial interrogation of the petitioner is not necessary in this case.

5. Accordingly, petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned Judicial Magistrate I, Panruti**, on condition that the petitioner shall execute a 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 petitioner 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 petitioner without prejudice to his defence shall deposit a sum of Rs.51,500/-(Rupees Fifty One Thousand Five Hundred only), to the credit of the Crime No.160 of 2023 before the learned Judicial Magistrate No.I, Panruti. On such deposit, learned Magistrate is directed to use the amount under Section 357 of Cr.P.C for awarding 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 everyday at 10.30 a.m., until further orders;

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

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

[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



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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.

12.07.2023

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