



Crl.O.P.No.16515 of 2023

Crl.O.P.No.16515 of 2023

RMT.TEEKAA RAMAN, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 294(b), 427, 447 and 506(i) of IPC, in Crime No.187 of 2023, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that she is the owner of the property and she derived her property by way of settlement deed executed by her father namely K.H.chandramohan vide Doc.No.32169 of 2005 dated 19.04.2005 in SRO, Virugambakkam. Now the defacto complainant's father's brother one K.A.Ravindran/A1 and his son along with other persons trespassed into the house of the defacto complainant and threatened them with deadly weapons and also claimed themselves as owner of the property. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioners are innocent persons and due to civil dispute, the petitioners have obtained a civil decree in C.S.No.1049 of 2005 and final decree was also passed in A.No.434 of 2022, wherein, the settlement in favour of the



Crl.O.P.No.16515 of 2023

defacto complainant was set aside. Hence, he prayed for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.side) appearing for the respondent police filed the status report and narrated the incident and the stage of the investigation.

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

6. It appears from the status report, during the course of investigation, notice under Section 41(a) Cr.P.C was issued and the accused were also appeared before the respondent Police and stated that it is a civil dispute.

7.Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side, this Court is inclined to grant bail to the petitioners with certain conditions.



Crl.O.P.No.16515 of 2023

WEB COPY

8. Accordingly, the 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 No.I, Poonamallee** 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:

[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 shall report before the respondent Police, everyday at 10.30 a.m., for a period of four weeks and thereafter, as and when required for interrogation;**

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.



WEB COPY



CrI.O.P.No.16515 of 2023

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

[e] 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]**.

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

16.08.2023

vkr



WEB COPY



Crl.O.P.No.16515 of 2023

RMT.TEEKAA RAMAN, J.

vkf

Crl.O.P.No.16515 of 2023

16.08.2023