



Crl.O.P.No.18567 of 2023

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WEB C RMT.TEEKAA RAMAN, J.

The Petitioners, who apprehend arrest at the hands of the Respondent police for the offence punishable under Sections 294(B), 323, 427, 506(ii) of IPC r/w.3 of PPDDT Act in Crime No.432 of 2023 on the file of the Respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 30.07.2023 at about 6 pm, the Petitioners trespassed into the agricultural land of the Defacto Complainant, they damaged and removed the banana plants, therein and burnt the two wheelers viz., Hero Splendor+ bearing Reg.No.TN 23 BR 2733 and TVS XL bearing Reg. No.TN 23 AQ 7884, which were parked there and they threatened the Defacto Complainant with dire consequences. Hence the complaint.

3.The learned Counsel for the Petitioners would submit that the Petitioners and the Defacto Complainant are neighbours, by the influence of the Defacto Complainant, this case was falsely foisted against the Petitioners and on the date of occurrence there was only wordy quarrel between the parties. Hence, the learned counsel for the Petitioners prays for grant of anticipatory bail to the Petitioners.

4.The learned Government Advocate (Crl. Side) for the Respondent would submit that this is a case in counter and the counter case is in Crime



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No.433 of 2023. He vehemently opposed to grant anticipatory bail to the Petitioners.

5.Heard both sides and perused the materials available on record.

6.Taking into consideration the facts and the submissions made by the learned counsel on either sides and the nature and gravity of the offences, this Court is inclined to grant anticipatory bail to the Petitioners with certain conditions.

7.Accordingly, the Petitioners are directed to deposit a sum of Rs.10,000/- (Rupees ten thousand)each to the credit of Crime No.432 of 2023, without prejudice to their rights and contentions before the trial Court and on such deposit and production of proof before the trial Court, 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, Thirupathur Taluk & District**, 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



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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 shall report before the Respondent Police, on everyday at 10.30 am for a period of six weeks and thereafter as and when required;

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

[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.

23.08.2023

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