



Crl.O.P.No.18832 of 2023

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WEB CMT.RMT.TEEKAA RAMAN, J.

The Petitioners, who apprehend arrest at the hands of the Respondent police for the offence punishable under Sections 147, 447, 427, 294 (b), 506(i) of IPC r/w. Section 3 of PPD Act in Crime No.101 of 2023 on the file of the Respondent police, seek anticipatory bail.

2.The case of the prosecution is that the Defacto Complainant owns lands at Kochalur Village bearing survey No.216/E, on 09.07.2023 at about 11.30 am the Petitioners along with two others trespassed his land and damaged the fencing wall of his lands. Hence the complaint.

3.The learned Counsel for the Petitioners would submit that the Petitioners 1 & 2 are Father & Son and Petitioners 3 & 4 are their relatives. The occurrence is said to have been taken place on 09.07.2023 at about 11.30 hrs but the complaint was lodged by one Sathish Kumar, S/o.Duraisamy only on 10.07.2023 at about 10.00 hours and the Petitioners are innocent and no damage was caused to the fencing of the Defacto Complainant. 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 is vehemently opposed to grant anticipatory bail to the Petitioners.



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

6.Taking into consideration the facts and circumstances of the case and also the submissions made by the learned counsel on either side and also of the fact that the Petitioners are voluntarily offers to deposit Rs.5,000/- in Crime Number, concerned, this Court is inclined to grant anticipatory bail to the Petitioners with certain conditions.

7.Accordingly, the Petitioner 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, Gudiyatham**, 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 without prejudice to their defence shall jointly deposit a sum of Rs.5,000/- (Rupees Five Thousand



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only) to the credit of Crime No.101 of 2023 before the Court, concerned.

[c] the Petitioners shall report before the Respondent Police, everyday at 10.30 a.m., for a period of two weeks and thereafter on 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.

[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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

18.08.2023

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