



Crl.O.P.No.19657 of 2023

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RMT.TEEKAA RAMAN, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 448, 379 of IPC in Crime No.554 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant's mother owned a property at No.38, Thiruveedhi Amman Kovil 4th Street, Porur. While so, on 12.11.2022, the defact complainant received a phone call from his tenant mr.Anbazhagan, stating that certain unknown persons are alleged to have broken the doors of house. Immediately, the defacto complainant called the Police helpline and went to his house, on enquiry with the neighbours and upon verifying the CCTV footages, he found that the accused persons had broken the door and taken away the house hold articles. Hence, the complaint.



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3. The learned counsel for the petitioner would submit that the petitioner is none other than the cousin brother of the defacto complainant. The defacto complainant's mother and the first petitioner's father are siblings. He would further submit that the father of the first petitioner was in possession and enjoyment of the said property and constructed the houses and rented out the same. After the demise of the first petitioner's father, the first petitioner has collecting the rent from the tenants and even as on date, the electricity service connections are also standing in his father name. He would also submit that the petitioners 2 and 3 are distance relatives of the first petitioner and they have been unnecessarily roped-in in this case. Hence, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that due to civil dispute, the petitioners had broken the doors of the house of the defacto complainant's mother and taken away the house hold articles of the tenants who are residing in the house of the defacto complainant's mother. He would further submit that



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the defacto complainant is none other than the cousin brother of the first petitioner. He would also submit that seven previous cases are pending against the second petitioner and no previous case is pending against the other petitioners. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (crl.side) and perused the entire materials available on record.

6. Taking into consideration the facts and circumstances of the case and submissions made by the learned counsel on either side and considering the previous antecedents of the second petitioner, this Court is not inclined to grant anticipatory bail to the second petitioner. As far as the petitioners 1 and 3 are concerned, this Court is inclined to grant anticipatory bail to them with certain conditions.



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7. Accordingly, in respect of the second petitioner, this Criminal Original Petition is dismissed and insofar as the petitioners 1 and 3 are concerned, this Criminal Original Petition is ordered. Therefore, the petitioners 1 and 3 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 No.I, Poonamallee, Thiruvallur District, on condition that the petitioners 1 and 3 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 1 and 3 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.



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[b] the petitioners 1 and 3 shall appear before the respondent Police daily at 10.30 a.m., for a period of eight weeks and thereafter, every Saturday at 10.30 a.m., until further orders;

[c] the petitioners 1 and 3 shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners 1 and 3 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 1 and 3 in accordance with law as if the conditions have been imposed and the petitioners 1 and 3 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 absconds, a fresh FIR can be registered under Section 229A IPC;

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