

Crl.O.P.No.20391 of 2023**C.V.KARTHIKEYAN, J.**

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The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 294(b), 447, 427 and 506(ii) of I.P.C r/w Section 3 of Tamil Nadu Public Property Prevention of Damage and Loss Act, 1992, in Crime No.304 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to previous land dispute between the petitioner's family and de-facto complainant's family with respect to the Survey No.58 at Magajanambakkam village, Cheyyar, Tiruvannamalai District. A building was raised in the land owing to which there was a dispute. The petitioner along with 3 other accused with the aid of JCB machine demolished the basement of house and the same was questioned by the de-facto complainant and her husband. The petitioner and other accused threatened them and attacked with wooden log. Hence the case.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate (Criminal Side) for the respondent would submit that due to land dispute, the petitioner threatened and assaulted the de-facto complainant by using wooden log and damaged the basement of his house. Hence, he opposed for grant of anticipatory bail to the petitioner.

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

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel on either side, owing to the circumstance and nature of dispute, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, **petitioner is directed to deposit a sum of Rs.50,000/- (Rupees Fifty thousand only) to the credit of Crime No.304 of 2023, before the concerned Magistrate Court, within a period of two weeks from the date on which the order copy made ready, in case of acquittal of the accused, the said amount shall be handed over to the accused, and in case of conviction the amount shall be handed over to the de-facto complainant** and 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, Cheyyar, Tiruvannamalai District**, on condition that the petitioner 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 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] **petitioner is directed to deposit a sum of Rs.50,000/- (Rupees Fifty thousand only) to the credit of Crime No.304 of 2023, before the concerned Magistrate Court, within a period of two weeks from the date on which the order copy made ready, in case of acquittal of the accused, the said amount shall be handed over to the accused and in case of conviction, the amount shall be handed over to the de-facto complainant.**



[c] the petitioner shall report before the respondent Police, on everyday at 10.30 a.m., for a period of two weeks and as and when required;

[d] the final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of the trial;

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

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

[g] 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]**.

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

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