



Crl.O.P.No.20825 of 2023

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C.V.KARTHIKEYAN, J.

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 147, 148, 447, 430 and 506(ii) of IPC and Section 3(1) and 4 of TNPPDL Act in Crime No.122 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The petitioners claim that the property belongs to them consequent to a sale deed registered by the mother of the defacto complainant in favour of the petitioners herein. The property is an agricultural land. It is stated that the petitioners and several others, had entered into the land and destroyed agricultural crops and machinery and pump motor sets. In this connection, there is a civil dispute pending in O.S. No.254 of 2021 before the District Munsif, Tiruchengode. The property is situated in S. No.324/3B, Chekkarapatti, Kupichipalayam Village, Tiruchengode.

3. The earlier bail application was dismissed on 08.08.2023. But



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the respondent police have not taken any effective steps to secure the petitioners herein. The matter still continues as such.

4. The intervening petition has also been filed by the defacto complainant wherein it had stated that there was a constructive delay in registering the FIR and it had also stated that taking into consideration of the gravity of the offences, antecedents of the petitioners herein and the property dispute lead to the offences being repeated, anticipatory bail should not be granted.

5. There is already a civil dispute pending with respect to the land in which, the petitioners are alleged to have entered and damaged to the extent of Rs.4 lakhs. The learned counsel for the intervener has stated that the petitioners would cause life threaten to the defacto complainant if they are permitted to stay within the jurisdiction.

6. Taking an over all consideration of the entire issue, this Court is



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inclined to grant anticipatory bail to the petitioners, but subject to the conditions.

7. Accordingly, 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, Tiruchengode** 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] Petitioners are directed to deposit a sum of Rs.1,00,000/- jointly to the credit of the Crime



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No.122 of 2023 and on receipt of such deposit, the Judicial Magistrate may handover the same to the defacto complainant. Two weeks time is granted for such deposit.

[c] the petitioners shall stay at Erode and report before the Erode Town Police Station, every day at 10.30 a.m., until further orders.

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[g] the petitioners shall not abscond either during investigation or trial;

[h] 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]**;

[i] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC;



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