



Crl.O.P.No.20689 of 2023

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WEB CRI RMT.TEEKAA RAMAN, J.

The Petitioner, who apprehends arrest at the hands of the Respondent police for the offence punishable under Sections 147, 148, 294(b), 323, 324, 427, 379 & 506(ii) of IPC r/w.4 of Tamil Nadu Women Harassment Act in Crime No.285 of 2023 on the file of the Respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 22.08.2023, the Petitioner along with other accused were trespassed into the Defacto Complainant's land with weapons and plucked the coconut and when the same was questioned by the Defacto Complainant's father, he abused him with filthy language and assaulted the Defacto Complainant's father. A2 damaged the mobile of the Defacto Complainant's sister, worth about Rs.20,000/- and A3 threatened the Defacto Complainant's Mother with dire consequences. Hence the complaint.

3.The learned Counsel for the Petitioner would submit that the Defacto Complainant and his family members were encroached the thangal land. It is a counter case. The Petitioner is an innocent person. Hence, the learned counsel for the Petitioner prays for grant of anticipatory bail to the Petitioner.

4.The learned Government Advocate (Crl. Side) for the Respondent



would submit that it is a case in counter, there is previous enmity between the parties. 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 circumstances of the case and also the submissions made by the learned counsel on either sides and the fact that at the instance of the Petitioner herein, it appears that the eari porombake encroached by the Defacto Complainant was removed, this Court is inclined to grant anticipatory bail to the Petitioner with certain conditions.

7.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 Munsif cum Judicial Magistrate, Vikravandi Taluk, Villupuram 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



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pass Book to ensure their identity;

[b] the Petitioner shall report before the Respondent Police, everyday at 10.30 a.m., for a period of three weeks and thereafter as and when required;

[d] the Petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the Petitioner 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.

12.09.2023

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