



Crl.O.P.No.21122 of 2023

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RMT.TEEKAA RAMAN, J.,

The Petitioner, who apprehends arrest at the hands of the Respondent police for the offence punishable under Sections 336 & 427 of IPC and Section 3(1) of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992 in Crime No. 562 of 2022 on the file of the Respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is the landlord and the defacto complainant is the tenant. The defacto complainant along with his sister running a bakery in the petitioner's premises. Since the petitioner asked them to vacate the premises without repaying the advance amount of Rs.5,00,000/-, they refused to vacate the premises. Hence, the petitioner along with others put up holes in the upper portion of the building and caused life threat to them by passing electric current in the said holes filled with water. Hence the complaint.



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3.The learned Counsel for the Petitioner would submit that the Petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the Petitioner.

4. The learned Government Advocate (Crl. Side) for the Respondent vehemently opposed to grant anticipatory bail to the Petitioner.

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

6. Petitioner is A1 in Crime No.1162 of 2020 on the file of the Pollachi Town Police Station and the same was quashed by this Court in Crl.O.P.No.8662 of 2020 vide order dated 28.09.2020 with liberty to lodge a fresh complaint and proceed in accordance with law. Accordingly, the present case in Crime No.562 of 2022 was registered by the Pollachi East Police Station at Coimbatore District. The learned counsel for the petitioner relied upon the Advocate Commissioner report filed before the Civil Court and also Additional District Court, and also relied upon the order passed in CRP(PD) No.1998 & 2000 of 2020 dated 19.01.2021. From the order passed by this Court in the Revision Petition, this Court finds that the said incident has been



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recorded based upon the Advocate report filed before the Civil Court that the building is collapsed.

7. Taking into consideration the above facts and circumstances of the case and also the submissions made by the learned counsel on either sides, this Court is inclined to grant anticipatory bail to the Petitioner with certain conditions.

8. 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 No.I, Pollachi**, 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;



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[b] the Petitioner without prejudice to his defence shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Crime No. 562 of 2022 before the Court, concerned.

[c] the Petitioner shall report before the Respondent Police, every Tuesday and Saturday 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 Petitioner 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.

13.09.2023

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