



Crl.O.P.No.26062 of 2022

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T.V.THAMILSELVI, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 427 and 506(ii) of IPC in Crime No.844 of 2022, seek anticipatory bail.

2.The case of the prosecution as per the defacto complainant is that in his absence, the petitioners have damaged his house. When the same was questioned by the defacto complainant, the petitioners threatened him with dire consequences. Later, the defacto complainant attempted to renovate his house and the same was objected by the petitioners, due to which, the defacto complainant has lodged a complaint before the respondent Police. Since no action was taken by the respondent Police, the defacto complainant has approached this Court in Crl.O.P.No.3097 of 2018. Based on the direction issued by this Court, the enquiry has been conducted by the respondent Police in C.S.R.No.1130 of 2017 and the case has been registered in Crime No.844 of 2022 for the offences under Sections 427 and 506(ii) of IPC.



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3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the defacto complainant has lodged a complaint in the year 2014 against the petitioners and the enquiry was conducted by the respondent Police in C.S.R.No.184 of 2014 and the same was closed stating that a civil dispute had been attempted to give a criminal colour. He further submitted that a civil dispute in O.S.No.75 of 2014 has also been pending between the petitioners and the defacto complainant. He further submitted that due to the existing civil dispute, the defacto complainant again lodged a false complaint against the petitioners. He also submitted that no such incident was taken place as stated by the prosecution and the petitioners are ready to abide by any stringent condition that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.side) appearing for the respondent submitted that due to civil dispute, the petitioners damaged the house of the defacto complainant and when it was questioned by the



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defacto complainant, the petitioners threatened him with dire consequences. He further submitted that a civil suit in O.S.No.75 of 2014 is pending between the petitioners and the defacto complainant and other than that, there is no case pending against the petitioners. He also submitted that if the petitioner is granted anticipatory bail at this stage, there is a possibility of tampering the evidence. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

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

6.Taking into consideration the facts of the case and the submissions made by the learned counsel, this Court is inclined to grant anticipatory bail to the petitioners with certain 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



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fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Sriperumbudur, on condition that each of the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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] the petitioners shall report before the respondent police on every Saturday at 10.30 a.m., for a period of eight weeks.

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

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



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[e] 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]**;

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

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