



Crl.O.P.No.23151 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 448, 427 and 379 of IPC in Crime No.495 of 2023 on the file of the respondent police, seek anticipatory bail.

2. It is the submission of the learned counsel for the petitioners that, the petitioners have been falsely implicated as accused in Crime No.495 of 2023 registered for the offences under Sections 448, 427 and 379 of IPC.

3. It is stated by the learned Government Advocate (Criminal side) that the petitioners are the landlords and the defacto complainant is a tenant for the past 24 years, running a Saloon. There had been a dispute between the two of them. It is also stated that the proceedings are also pending before the Civil Court.

4. The allegations, according to the learned counsel for the petitioners, are false and had been given after delay as the petitioners had entered into the shop of the defacto complainant and caused damages of articles worth about Rs.1 lakh and additionally, taken away cash of Rs.94,000/-. It is stated that complaint was given only on 27.09.2023,



Crl.O.P.No.23151 of 2023

whereas the incident is said to have occurred on 23.08.2023. It is also stated that the 1st petitioner is the Senior Citizen of quite advanced age and the 2nd petitioner is the son of the 1st petitioner.

5. Taking an over all consideration of the entire issue, this Court is inclined to grant anticipatory bail to the petitioners, but subject to the conditions.

6. 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 No.2, Coimbatore** 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.



Crl.O.P.No.23151 of 2023

[b] Petitioners are directed to deposit a sum of Rs.75,000/- jointly to the credit of the Crime No.495 of 2023 at the time of furnishing sureties and it shall be remained in deposit, till the conclusion of the trial. Two weeks time is granted for such deposit.

[c] After completion of trial, if the case ends in acquittal, the deposited amount shall be returned back to the petitioners. If the petitioners are convicted, the amount shall be handed over to the defacto complainant.

[d] the 2nd petitioner shall report before the respondent Police, every day at 10.30 a.m., for two weeks.

[e] the 1st petitioner shall report before the respondent police, as and when required;

[f] 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



CrI.O.P.No.23151 of 2023

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;

09.10.2023

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Crl.O.P.No.23151 of 2023

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