

CrI.O.P.No.24823 of 2023**C.V.KARTHIKEYAN, J.**

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The petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 294(b), 447, 427 and 506(1) of I.P.C, in Crime No.380 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first and second petitioners are the sons of the third petitioner. They were tenants under the de-facto complainant. There appears to be a history of litigation between the de-facto complainant and the petitioners herein relating to the tenancy. Among other aspects, it is stated that these offences were committed by the petitioners who entered into the premises and damaged a few articles. The value had not been given. This led to the registration into the F.I.R. Let not enter into a discussion of any other offences for which this F.I.R has not been registered. Hence the case.

3. The learned Counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioners.



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4. Taking into consideration the nature of the allegations, anticipatory bail is granted to the petitioners. Even though the de-facto complainant has raised objections by stating about the harassment given by the petitioners, since they are tenants, it is a separate issue to be addressed by a separate Court. Hence, this Court is inclined to grant anticipatory bail to the petitioners.

5. 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.1, Coimbatore District**, 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.



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[b] the first petitioner and second petitioner shall report before the respondent Police on everyday at 10.30a.m., for a period of two weeks and thereafter as and when required and the third petitioner shall report before the respondent Police, once in a week for a period of two weeks and thereafter as and when required;

[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.

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

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