



Crl.O.P.No.32632 of 2022

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T.V.THAMILSELVI,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 341, 294(b), 506(ii) of IPC r/w Section 25 of Arms Act in Crime No.216 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused have trespassed into the house of the *de-facto* complainant and threatened him with deadly weapons. Hence, the case.

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. He would further submit that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court and hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side) would submit that in an earlier occasion, this Court had directed the Tahsildar to appear



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before this Court and to file a status report regarding the eviction proceedings. As per the order passed by this Court, the Tahsildar appeared before this Court and submitted that 70% of the encroachment has been removed. He would also submit that neither the *de-facto* complainant nor the petitioner has right over the government property by any unlawful means. Hence, he opposed for grant of anticipatory bail to the petitioner.

5.The learned counsel for the intervenor has raised objection stating that, on the date of alleged occurrence, the *de-facto* complainant was threatened by this petitioner and other accused on gun point.

6.Taking into consideration the facts and circumstances of the case and also considering the fact that the matter between the parties with regard to encroachment is now pending before the revenue authorities, 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



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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, Sriperumpudur**, on condition that the petitioner shall execute a 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;

[b] the petitioner shall stay at Ramanathapuram and report before the Ramanathapuram Town Police Station daily for a period of six (6) weeks and thereafter, report before the respondent Police on alternative days at 10.30a.m. for a period of two months;

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

[d] the petitioner 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 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]**;

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

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