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CrI.O.P.No.27897 of 2023

C.V.KARTHIKEYAN, J.

The petitioners/A1-A6, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 427 and 379 of IPC in Crime No.432 of 2023, seeks anticipatory bail.

2.The 1st petitioner is the daughter-in-law of the defacto complainant and the 2nd and 3rd petitioners are the grandsons of the defacto complainant. The 4th, 5th and 6th petitioners are the relatives of the 1st, 2nd and 3rd petitioners. They had all grouped up together and committed the offences against a lady, who is past 70 years old and who is none other than the mother-in-law of the 1st petitioner and the grandmother of the 2nd and 3rd petitioners. The very fact that the 1st petitioner had also called upon her own sons to be partners in the alleged offence itself shows the motive, which the petitioners have, against the defacto complainant. It is stated that there is a land measuring 2.37 ¼ acres in Pukkulam Village. There is also a common well and common



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pathway. There is a dispute over the usage of those common pathway and common well. However, it is the complaint given by the defacto complainant that property worth about Rs.1.5 lakhs had been destroyed and movables worth about Rs.16,000/- had also been stolen.

3.Taking all the factors into consideration, this Court is inclined to grant anticipatory bail to the petitioners, however, directing each one of the six petitioners to independently deposit a sum of Rs.20,000/- to the credit of Crime No.432 of 2023 before the learned Judicial Magistrate – I, Udumalpet, within a period of two weeks from the date of receipt of a copy of this order and the total amount of Rs.1,20,000/- (Rupees One Lakh and Twenty Thousand only) may be handed over by the learned Judicial Magistrate – I, Udumalpet, to the defacto complainant.

4.Taking all these factors into consideration, this Court is inclined to grant anticipatory bail to the petitioners herein.

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



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days from the date on which the order copy made ready, before the learned Judicial Magistrate – I, Udumalpet, Tiruppur District, 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 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 2nd and 3rd petitioners shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for the interrogation and the 1st, 4th, 5th and 6th petitioners shall report before the respondent on every Monday at 10.30 a.m., for a period of three weeks and thereafter, as and when required for interrogation.

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

[d] the petitioners shall not abscond either during



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

13.12.2023

smv

C.V.KARTHIKEYAN, J.

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