



Crl.O.P.No.29160 of 2023

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WEB C **P.DHANABAL, J.**

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 441, 427 & 506(ii) of IPC in Crime No.425 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 18.12.2023, at about 06.00 am, the petitioners along with other persons trespassed into the land of the defacto complainant and damaged the iron sting fence and threatened him with dire consequences. Hence, the complaint.

3. The learned counsel for the petitioners would contend that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.side) would submit that there was a boundary dispute between the petitioner and the defacto complainant. Due to which, the petitioner along with other accused



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damaged the defacto complainant's property worth about Rs.1 lakh.

Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Heard both sides and perused the materials available on record. Mr.Nithyanandam, learned counsel is represented before this Court. He submitted that he is going to file an Intervening Application, but, so far, no intervening application is filed. Hence, his request is rejected.

6. Considering the rival submissions on either side and considering the fact that the civil suit is pending between the parties in O.S. No.79 of 2023 before the learned District Munsif, Sankagiri and considering that except Section 506(ii) all other offences are bailable offences and all other aspects, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following 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 fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate No.2, Sankagiri, Salem** on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees



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Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioners shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) before the learned Judicial Magistrate No.2, Sankagiri, Salem to the credit of the Crime No.425 of 2023 within a period of 15 days from the date of receipt of a copy of this order.

[b] the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of thirty days 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 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].



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

28.12.2023

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