



Crl.O.P.No.79 of 2024

C.V.KARTHIKEYAN, J.

WEB COPY

The petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 294(b), 323, 506(i), 427, 379 (NP) IPC in Crime No.274 of 2023.

2. The case of the prosecution is that on 16.12.2023, when the Advocate Commissioner visited the defacto complainant's property to take note of the physical features, when the gate and compound wall were destroyed by the petitioners. The next day i.e, 17.12.2023, when the defacto complainant went to the property with construction materials, he was restrained by the petitioners. Further, the petitioners rendered a life threat to the defacto complainant.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioners.



WEB COPY

4. The learned Government Advocate (Crl.side) would submit that the accused persons had encroached into the farm of the defacto complainant and damaged properties worth about Rs.5,50,000/-. Only the gate has been recovered. He would further submit that A1 & A3 had been arrested and they are still in custody. Therefore, this petition may be dismissed.

5. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners herein with certain 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 Judicial Magistrate, Dharapuram**, 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.

[b] the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders.

[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];**



WEB COPY



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

05.01.2024

kmm

C.V.KARTHIKEYAN, J.



WEB COPY



kmm

CrI.O.P.No.79 of 2024

05.01.2024