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Crl.O.P.No.193 of 2024

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C.V.KARTHIKEYAN,J.

The petitioner who apprehends arrest at the hands of the respondent Police for the offences under Sections 447, 341, 294(b), 506(2) of IPC and Section 4 of Women Harassment Act, in Crime No.227 of 2023, seeks anticipatory bail.

2.It is the case of the prosecution that that there was a land dispute between the family of the petitioner and the family of the defacto complainant. It is alleged that the petitioner herein had entered into the land of the defacto complainant, though the property was not partitioned.

3.The petitioner had filed an affidavit which has been taken on record wherein he had stated that he had filed O.S.No.8 of 2016 before the Sub Court, Uthangarai, Krishnagiri District and also a partition suit in O.S.No.9 of 2016 before the Sub Court, Uthangarai, Krishnagiri District. He had further undertook not to give any oral or physical disturbance to the defacto complainant regarding the land dispute except under process of law.

4.The affidavit is taken on record. It should also be filed before the Judicial Magistrate No.I, Tirupattur, at the time of executing sureties.



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5.Taking all the factors into consideration, I am inclined to grant anticipatory bail to the petitioner subject to the following conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the 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 Judicial Magistrate No.I, Tirupattur on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** each with two sureties 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 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 report before the respondent Police every Saturday at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation.

[c] At the time of executing sureties, the petitioner shall file an affidavit of undertaking stating that he will not give any oral or physical disturbance to the petitioner with regard to the land dispute, before the



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learned Magistrate concerned.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] 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].

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

23.01.2024

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