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Crl.O.P.No.651 of 2024

Crl.O.P.No.651 of 2024
and Crl.M.P.No.1128 of 2024

C.V.KARTHIKEYAN, J.

The petitioners/A1 to A3 seek anticipatory bail in Crime No.767 of 2023 registered by the respondent Police for the offences punishable under Sections 147, 148, 294(b), 324, 506(ii) of IPC r/w Section 4 of TN Women Harassment Act and later altered to 147, 148, 294(b), 324, 506(ii), 307 of IPC r/w Section 4 of TN Women Harassment Act.

2. There are totally 7 accused. A4 to A7 had been granted bail after being arrested. A1 and A2 are the sons of A3.

3. It is the contention of the learned counsel for the petitioners that the petitioners and the defacto complainant are all relatives and there is a dispute over the joint family property.

4. It is stated that this dispute had escalated into violence and unfortunately there was injury caused in certain persons. It is however stated that all the injured had been discharged from hospital.



Crl.O.P.No.651 of 2024

WEB COPY

5. The learned Government Advocate (Crl. Side) stated that the dispute over joint family property and more particularly the immediate provocation of dumping of sand in the land of the defacto complainant had escalated into violence.

6. It is stated that in the FIR, the role of the first and second petitioner/A1 and A2 had been very clearly stated. It is also stated that the injuries are grievous in nature. A4 to A7 had been granted bail after being taken into custody.

7. The learned counsel for the defacto complainant pointed out the nature of injury suffered and stated that they were extremely grievous.

8. The learned counsel also pointed out that as against the first and second petitioner, previous cases were also pending and therefore it was stated the Court should be extremely cautious granting the relief of anticipatory bail.



CrI.O.P.No.651 of 2024

WEB COPY

9. It is also contended by the learned counsel that one of the victim had lost nearly 4 teeth on the right side and also others suffered fractures in the jaw. The learned counsel further pointed out the first and second petitioners have also been also categorized as the History Sheeter by the respondent.

10. Taking all those factors into consideration and the arguments stated above, it is clear that there is a dispute over land and there is no civil suit pending.

11. The learned counsel for the petitioners had forwarded the report of Village Administrative Officer who stated that further enquiry is required over grant or otherwise patta.

12. It is also pointed out that the patta had been initially granted by the Tashildar but appeal had been filed before the Revenue Divisional Officer and the same is pending.

13. It is stated that the title of the land is in dispute and therefore



CrI.O.P.No.651 of 2024

stated that unnecessary encroachment by the defacto complainant was the immediate cause for provocation. This statement made by the learned counsel for the intervenor would mean that the land is exclusive to the defacto complainant. It is also alleged that the petitioners herein are regular land grabbers who identify lands which are available and try to take them under their control.

14. The Accident Register Report of the injured had also been perused by this Court.

15. It is evident that the first and the second petitioner/A1 and A2 had caused grievous injuries. In this case, the injured had suffered fracture and also one of them lost nearly 4 teeth on the right side.

16. It is also seen that both the first and second petitioner had come into contact with the respondent police on several earlier occasions.



CrI.O.P.No.651 of 2024

WEB COPY

17. In view of this order, the Interim Protection is granted to the first and second petitioner stands automatically vacated.

18. Taking all those factors into consideration, I would deny grant of anticipatory bail to the first and second petitioner and dismiss the petition as against them but grant anticipatory bail to the third petitioner.

19. Accordingly, the third petitioner is 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, Thirukazhukundram, Chengalpet District**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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:



CrI.O.P.No.651 of 2024

WEB COPY

[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 third petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

[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 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]**.



CrI.O.P.No.651 of 2024

WEB COPY

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

20. Consequently, connected miscellaneous petition is allowed.

19.02.2024

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WEB COPY



Crl.O.P.No.651 of 2024

C.V.KARTHIKEYAN, J.

rjr

Crl.O.P.No.651 of 2024

19.02.2024