



CrI.O.P.No.1422 of 2024

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C.V.KARTHIKEYAN, J.

The petitioners/A1 and A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 427 and 506(2) of IPC in Crime No.467 of 2023, seek anticipatory bail.

2.It is the case of the prosecution that the petitioners and the defacto complainant are neighbours and there was a dispute with respect to compound wall put up by the defacto complainant, which dispute escalated into violence, leading to lodging of complaint and registration of First Information Report.

3.It is the contention of the learned counsel for the petitioners that the defacto complainant had put the compound wall inside the premises of the petitioners herein. That is an issue which has to be decided only by a competent civil Court.

4.Taking all these factors into consideration, this Court is



inclined to grant anticipatory bail to the petitioners, however directing the petitioners to jointly deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) to the credit of Crime No.467 of 2023 before the learned Judicial Magistrate – II, Tiruvannamalai and on such deposit, the learned Judicial Magistrate – II, Tiruvannamalai, may transfer the said amount to any interest earning fixed deposit account in anyone of the Nationalized Banks and pass final orders on conclusion of trial.

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 days from the date on which the order copy made ready, before the learned Judicial Magistrate – II, Tiruvannamalai, 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



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Bank pass Book to ensure their identity.

[b] the 1st petitioner 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 interrogation and the 2nd petitioner shall report before the respondent police 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]**.

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

30.01.2024

smv

C.V.KARTHIKEYAN, J.

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