



CrI.OP.No.1370 of 2024

CrI.O.P.No.1370 of 2024

C.V.KARTHIKEYAN,J.

The petitioners/A1 and A2 in Crime No.16 of 2024 registered by the respondent police for the offences punishable under Sections 294(b), 427 and 506(ii) of IPC seek anticipatory bail .

2. The learned counsel who appeared on behalf of the defacto complainant has raised objections by stating that the suit for injunction filed by the petitioners in O.S.No.279 of 2008 before the District Munsif Court at Thiruchengode had been dismissed vide Judgement dated 27.04.2017. It is also stated that that the vendors of the defacto complainant had earlier filed CrI.OP.No.10591 of 2017 and by an order dated 11.12.2017, a learned Single Judge of this Court had granted protection for the Tahsildhar to conduct survey. The entire dispute surrounds property in Survey No.15/11, Kadachanallur Village, Kumarapalayam, Namakkal District. Both the petitioners and the defacto complainant are neighbours and there is a dispute over the boundary.



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3. In the instant case, it is alleged that the two petitioners had destroyed the fence put up by the defacto complainant. It is stated that there are earlier two similar cases and that the earlier cases are similar in nature. But neither of the two parties have obtained any declaration of title to claim title.

4. Taking all factors into consideration, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

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, Kumarapalayam*** on condition that each of the petitioners shall execute separate bonds 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:



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[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 jointly deposit a sum of Rs.30,000/- (Rupees Thirty thousand only) to the credit of Cr.No.16 of 2024 within a period of 15 days and on such deposit, the learned Judicial Magistrate, Kumarapalayam may retain the said amount in a fixed deposit and pass final orders on conclusion of trial in the criminal case. If the petitioners are acquitted, the money may be handed back to them, if they are convicted, the amount together with interest will be handed over to the defacto complainant on proper identification and acknowledgement.

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

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.



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[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.

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