



Crl.O.P.No.2339 of 2024

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C.V.KARTHIKEYAN, J.

The petitioners, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 447, 427, 294(b) and 506(2) of I.P.C in Crime No.70 of 2024, seeks anticipatory bail.

2. It is stated that the petitioners and the defacto complainant are relatives and they are residing in their ancestral property. There was some property dispute between them. It is stated that the petitioners have used the JCB and damaged a part of the godown belonging to the defacto complainant. The learned counsel for the petitioner submitted that the defacto complainant has no right or title. But, however no civil suit has been filed seeking declaration of title.

3. The learned counsel for the petitioners relied on the sale deed executed by the defacto complainant over the same thereby claims that the defacto complainant does not have any right or title. However, these aspects may be examined during the trial.



Crl.O.P.No.2339 of 2024

4.However, taking all the other factors into consideration, this Court is inclined to grant anticipatory bail to the petitioner, **directing the petitioner to deposit an amount of Rs.20,000/- (Rupees Twenty thousand only) to the credit of Crime No.70 of 2024 before the learned Judicial Magistrate No.I, Namakkal.**

5.Accordingly, the petitioners are 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 learned **Judicial Magistrate No.I, Namakkal.** on condition that the petitioner shall execute a 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.



Crl.O.P.No.2339 of 2024

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[b] the first 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. The second petitioner shall report before the respondent police on every Saturday at 10.30 a.m for a period of two weeks and thereafter as and when required for interrogation.

[c] The petitioners are directed to deposit an amount of Rs.20,000/- (Rupees twenty thousand only) to the credit of Crime No.70 of 2024 before the learned Judicial Magistrate No.I, Namakkal. On such deposit being made theJudicial Judicial Magistrate No.I, Namakkal. may transfer the same to any fixed deposit account in one of the nationalised bank and the amount should be retained in the bank account till the date of final order. If the petitioner is convicted the said amount may be returned to the defacto complainant with interest. If the defacto complainant is acquitted the said amount may be returned to the accused with interest.

[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



Crl.O.P.No.2339 of 2024

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conditions have been imposed and the petitioner 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.

15.02.2024

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Crl.O.P.No.2339 of 2024

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Crl.O.P.No.2339 of 2024

15.02.2024