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Crl.O.P.No.7362 of 2024

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C.V.KARTHIKEYAN, J.

The petitioner/accused seeks anticipatory bail in Crime No.69 of 2024 registered by the respondent police for the offences punishable under Sections 294(b), 447, 506(ii) of IPC and Section 3 of Tamil Nadu Public Property(Prevention of Damages and Loss) Act, 1992.

2. It is stated that in the year 2019, the husband of the defacto complainant had purchased property measuring 26 cents through auction conducted by the Indian Overseas Bank. It is also stated tht out of 26 cents, 22 cents alone had been mortgaged by the petitioner herein with Indian Overseas Bank, but the entire property was brought to auction.

3. It is complained that Indian Overseas Bank had auctioned 26 cents, including the 4 cents of land which was not mortgaged and still retained by the petitioner. In respect of this, the petitioner has also filed a



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Civil Suit in O.S.No.320 of 2023 which is pending before the District Munsif Court at Chengalpet.

4. It is the allegation of the prosecution that this petitioner had demolished the fence put up by the husband of the defacto complainant. However, it is contended by the learned counsel for the petitioner that the defacto complainant had put the fence encroaching into the 4 cents of land retained by the petitioner. This is a dispute over measurement of land.

5. Taking into consideration the facts and circumstances, this Court is inclined to grant anticipatory bail 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 **learned District Munsif-Cum-Judicial Magistrate, Thiruporur** on condition



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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 this Court concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[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 petitioner shall appear before the respondent police on every Saturday at 10.30 a.m. for a period of three 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



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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 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.

26.03.2024

Vv

C.V.KARTHIKEYAN, J.



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26.03.2024