



WEB COPY



CrI.O.P.No.8498 of 2024

T.V.THAMILSELVI, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 427, 324, 380, 506(ii) **IPC** in Crime No.69 **of 2024**, seeks anticipatory bail.

2. The case of the prosecution is that The case of prosecution is that 40 years prior to the occurrence the defacto complainant entered into sale agreement for purchase of 8 acres of land with one Madhappan and paid part amount and he is in possession and enjoyment of the property and kist receipt and E.B. Connection standing in his favour. Subsequently, the said Madhappan was died. Hence, the defacto complainant filed a suit for declaration before the learned District Munsif Court, Mettur, Salem District in O.S.No.119 of 2019 and the same is pending before the Court concerned. During pendency of the suit, the legal heirs of the said Madhappan sold the suit property to the accused persons namely A1 to A3 and the defacto complainant cultivated banana grow in the 4 acres of land. In these circumstances on 02.03.2024, while the defacto complainant and his family members were in his house at the time the named accused persons along with 150 unknown



persons were trespassed into his banana grove and A1 & A2 were joined together were destroyed the banana grove through Tractor and the same was prevented by the defacto complainant and his mother and daughter, in turn they stopped the tractor and A1 attacked his mother with wooden log on her left side head A2 attacked the defacto complainant's daughter on her head and this petitioner pulled his daughter's tuft and dropped her into the banana grove and stolen their house hold articles. The A1 & A2 were joined together threatened to do away by showing wooden log. Immediately, the injured persons were taken in to the Government Hospital, Mettur. During the course of their treatment statement was recorded. Based on his statement case was registered against he petitioner and others.

3. Heard both sides.

4. Considering the above fact and circumstances of the case, the co-accused has been released on bail. Hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the 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 **learned Judicial Magistrate, No.I, Mettur**, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten



WEB COPY

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 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 report before the respondent on every Sunday at 10.30. a.m., for a period of three months and thereafter as and when required for interrogation. Further, the petitioner is directed to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of Crime No.69 of 2024 within a period of two weeks from the date of receipt of copy of this order

[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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

04.04.2024

pbl



WEB COPY



T.V.THAMILSELVI, J.

pbl

Crl.O.P.No.8498 of 2024

04.04.2024