



Crl.O.P.No.8804 of 2024

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T.V.THAMILSELVI,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 148, 294(b), 447 and 506(ii) of IPC, in Crime No.147 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that on 21.03.2024 at about 7.00 p.m, the defacto complainant and his mother were verbally abused by a group of persons who trespassed into the residential property of the defacto complainant. It is further alleged that the said acts were committed by the aforesaid gang only upon instigation of the petitioner and also one Muthukumar demanded the petitioner to vacate the property failing which, they threatened them with dire consequences. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution and he is no way connected with the above alleged



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offence. He further submits that the petitioner had purchased the property at Kullapatti Village from the defacto complainant and his father for a valuable sale consideration and later it was sold to one Muthukumar and further the petitioner's wife had entered into a registered sale agreement with respect to the property at Mettupatti Dhadhanoor Village. He further submits that there is a civil suit pending in OS.No.502 of 2024 and 91 of 2024. Hence, he prays to grant anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that there is a property dispute between the petitioner and the defacto complainant for which, the civil suit is also pending. He further submits that the investigation is still pending. Hence, he vehemently opposed for the grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsels this Court is inclined to grant **anticipatory bail** to the petitioner with certain conditions.



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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 (15) days from the date of receipt of a copy of this order before the *learned Judicial Magistrate, Vazhapadi, Salem District* on condition that the petitioner shall execute a bond 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 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent police on every Saturday at 10.30 a.m, for a period of three months;

[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



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action against the petitioner in accordance with law as if the conditions has been imposed and the petitioner is 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]*; and;

[f] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

10.04.2024

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