



Crl.O.P.No.9717 of 2024

T.V.THAMILSELVI, J.

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The petitioners, who apprehend arrest for the alleged offences punishable under Sections 294b, 406, 420, 506(ii) of IPC in Crime No.700 of 2023 on the file of the respondent/police, seek anticipatory bail.

2.It is the case of the prosecution that one Sabitha, the defacto complainant had entered into a rental agreement with the 1st petitioner on 16.10.2021 and the rent was fixed at Rs.6,000/- and a sum of rs.30,000/- was paid as advance. That being so, the defacto complainant had approached the 1st petitioner to rent the vacant land belonging to the 2nd petitioner situated adjacent to the house to run a poultry farm by constructing super structures. The petitioners had refused to repay the amount spent for the construction of super structures and on 08.03.2023, the defacto complainant had sent a legal notice to the petitioners. On 18.03.2023 at the defacto complainant's advocate office there was some mediation talks and the petitioners had stated that they would pay only Rs.50,000/-. Pursuant to which the petitioners had abused the defacto complainant in filthy language and threatened her with dire consequences. Hence the complaint.



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3.The learned counsel appearing for the petitioners would submit that the defacto complainant had filed a bare injunction suit not to disturb their peaceful possession in O.S.No.591 of 2023 on the file of the Principal District Munsif of Coimbatore and the same is pending disposal. The civil dispute has been given criminal color. The petitioners have been falsely implicated in the present case in order to wreck vengeance for their personal vendetta. The petitioners are innocents and they have not committed any offence as alleged by the respondent police. They are hailing from very respectable family and have no bad antecedents. They undertake to abide by any conditions that may be imposed on them upon due enlargement on bail. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. Side) vehemently opposed for grant of anticipatory bail to the petitioners.

5.Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) and perused the materials available on record.



6. Taking into consideration the facts and circumstances of the case, there is civil dispute pending between them, this Court is inclined to grant anticipatory bail to the petitioners.

7. Accordingly, the petitioners are directed 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.1, Coimbatore District, on condition that the petitioners 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 the petitioner, 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall appear before the respondent police on every Tuesday at 10.30 a.m. for a period of three months;

(c) the petitioners shall not tamper with evidence or



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witness either during investigation or trial;

(d) the petitioners 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 petitioner released on bail by the learned Magistrate/trial Judge 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.

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