



Crl.O.P.No.9900 of 2024

Crl.O.P.No.9900 of 2024

T.V.THAMILSELVI, J.

WEB COPY

The petitioners, who apprehends arrest at the hands of the respondent police for the offences punishable under sections 294(b), 323 and 506(i) of I.P.C in Crime No.236 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that one Mehboob Basha lodged a complaint on the allegation that there was a dispute in vacating shop in Door No.121, Gandhi Road, Cheyyar. Hence, the complaint.

3. The learned counsel appearing for the petitioners submit that the petitioners/A4 to A7 are innocent persons and they have not committed any offence as alleged by the prosecution. He would submit that there is civil suit pending in O.S.No.259 of 2022 and O.S.No.292 of 2022. In order to overcome the civil suit, the defacto complainant along with 15 other henchmen tried to vacate the fruit stall. He would also submit that there is a case in counter as against the defacto complainant in Crime No. 235 of 2024 for the offences under Sections 147, 294(b),



Crl.O.P.No.9900 of 2024

323, 448, 427 and 506(i) of IPC. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submit that the accused persons have abused the defacto complainant and threatened him with dire consequence. He would submit that there is a case in counter. He would also submit that 3rd and 4th petitioners are not accused in this case. Hence, he opposed for grant of anticipatory bail to the petitioners.

5. The petitioners herein are arrayed as A4 to A7. The defacto complainant is the landlord with whom the other accused persons have entered into tenancy agreement. Considering the facts and circumstances of the case and also considering the submissions made by the learned counsel on either side and the fact that there is a case in counter and also taking into consideration of submission of learned Government Advocate (Crl.side) that the 3rd and 4th petitioners are not accused in this case, this Criminal Original Petition is dismissed in respect of 3rd and 4th



Crl.O.P.No.9900 of 2024

petitioners. However, this Court is inclined to grant anticipatory bail to

1st and 2nd petitioners subject to the following conditions.

6. Accordingly, the 1st and 2nd petitioners are ordered to be released on anticipatory bail in the event of arrest or on their appearance before the **learned Judicial Magistrate, Cheyyar, Tiruvannamalai District** on condition that the 1st and 2nd petitioners shall execute a separate 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 1st and 2nd 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.

[b] the 1st and 2nd petitioners are directed to report before the respondent police on every Saturday at 10.30 a.m., for a period of eight weeks and thereafter, as and when required for interrogation.



WEB COPY



CrI.O.P.No.9900 of 2024

[c] the 1st and 2nd petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the 1st and 2nd 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 1st and 2nd petitioners in accordance with law as if the conditions have been imposed and the 1st and 2nd 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 absconds, a fresh FIR can be registered under Section 229A IPC.

24.04.2024

nr



WEB COPY



Crl.O.P.No.9900 of 2024

T.V.THAMILSELVI, J.

nr

Crl.O.P.No.9900 of 2024

24.04.2024