



Crl.O.P.No.10632 of 2024

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T.V.THAMILSELVI,J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 148, 448, 294(b), 324, 506(ii) of IPC r/w Section 4 of TNPHW Act and Section 3 of TNPPDL Act in Crime No.74 of 2024, seek anticipatory bail.

2. The case of the prosecution is that the petitioners and the defacto complainant are same villagers. Due to previous enmity, the petitioners trespassed into the defacto complainant's house and also damaged the petitioners vehicle worth about Rs.1 lakh. Hence, the complaint.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submits that a false case has been foisted against them with an ulterior motive. He also submitted that the petitioners are ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays to grant anticipatory bail to the petitioners.



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4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that due to previous enmity, the petitioners trespassed into the defacto complainant's house and also damaged the petitioners vehicle worth about Rs.1 lakh. He further submits that there is no serious injury. Hence, he vehemently opposed for the grant of anticipatory bail to the petitioners.

5. At this juncture, the learned counsel for the petitioners, on instructions, submitted that without prejudice to the rights, the petitioners are prepared to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of crime number and also submitted that the petitioners has no objection in the amount being released in favour of the de-facto complainant.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel that the petitioners without prejudice to their rights are volunteered to deposit a sum of Rs.10,000/-, to the credit of the Crime Number, this Court is inclined to grant **anticipatory bail** to the petitioners with certain conditions.



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7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the *learned District Munsif cum Judicial Magistrate, Cheyyur, Chengalpattu*, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, 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 petitioners shall deposit a sum of Rs.10,000/- to the credit of Crime No.74 of 2024 before the concerned Magistrate within two weeks from the date of receipt of a copy of this order and on such deposit, the de-facto complainant is permitted to withdraw the same, on filing undertaking affidavit and proper identification and acknowledgment;

[b] the 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;



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[c] the petitioners shall report before the respondent police on every Saturday at 10.30 a.m. for a period of twelve weeks;

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioners shall not abscond either during investigation or trial;

[f] On breach of any of the aforesaid conditions, the learned 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]**;

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

29.04.2024

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