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CrI.O.P.No.11337 of 2024

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K.KUMARESH BABU, J.

The petitioners seek anticipatory bail in Crime No.300 of 2024 registered by the respondent Police for the offences under Sections 34, 294(b), 323, 506(ii) of IPC r/w. Section 3 of Public Property (Prevention of Damages and Loss) Act, 1992.

2. The case of the prosecution is that on 27.04.2024, the petitioners damaged the compound wall of the defacto-complainant. They also abused him in a filthy language and threatened him with dire consequences. Hence, the defacto Complainant preferred a complaint before the respondent police. Based on the complaint, FIR has been registered against the petitioners.

3. The learned counsel for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and a false case has been foisted against him for statistical purpose. Hence, he



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prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the petitioners abused the defacto complainant in a filthy language and also threatened him with dire consequences. He would also submit that no injury was sustained, however, he opposed for grant of anticipatory bail to the petitioners.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Criminal side).

6. Taking all the factors into consideration and the overt act as against these petitioners, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

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 days from the date on which the order copy made ready, before the learned **Judicial Magistrate-I, Thirupathur**, on condition that the petitioners shall



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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 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 petitioners shall report before the respondent police everyday at 10.00 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or 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 petitioners released on bail by the learned Magistrate/Trial Court himself as laid



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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;

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