



Crl.O.P.Nos.12130 and 12425 of 2024

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C.SARAVANAN, J.

The petitioners apprehend arrest at the hands of the respondent police for the offences punishable under Sections 143, 294(b), 427, 449 and 506(1) of IPC in Crime No.139 of 2024, seek anticipatory bail.

2. In Crl.O.P.No.12130 of 2024, the petitioner is an Advocate who has been arrayed as third accused in Crime No.139 of 2024. In Crl.O.P.No.12425 of 2024, the petitioners are the first and second accused who are the mother and sister who engaged the petitioner. They have also filed a similar petition for anticipatory bail in Crl.O.P.No.12425 of 2024. The de facto complainant is the son of the first accused and the brother of the second accused. The complaint has been filed by the de facto complainant pursuant to which FIR has been filed against the third accused the petitioner herein. *Prima facie*, it appears that there is a family dispute between the first and second accused with the de facto complainant. Due to which, on 09.05.2024 at about 10.40 a.m., the petitioners A1, A2 accompanied with A3, an advocate allegedly, trespassed into the house of the de facto complaint, abused him with filthy



Crl.O.P.Nos.12130 and 12425 of 2024

language, threatened him with dire consequences to vacate the house.

Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioner.

4. Mr.R.Vinothraja, learned Government Advocate (Criminal Side) for the respondent would confirm that there is a family dispute between the de facto complainant and the petitioners. He would also submit that the petitioners along with other persons trespassed into the house of the de facto complainant, abused him with filthy language, threatened him with dire consequences to vacate the house. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Heard both sides and perused the materials available on record.



Crl.O.P.Nos.12130 and 12425 of 2024

WEB COPY

6. Taking into consideration the facts and circumstances of the case and also the submissions made by either sides, this Court is 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, Kumarapalayam, Namakkal on condition that each of the petitioner 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 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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Crl.O.P.Nos.12130 and 12425 of 2024

[b] In Crl.O.P.No.12130 of 2024, the petitioner shall report before the respondent police as and when required for interrogation.

[c] In Crl.O.P.No.12425 of 2024, the petitioners shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation.

[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 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 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.

22.05.2024

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Crl.O.P.Nos.12130 and 12425 of 2024

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Crl.O.P.Nos.12130 and 12425 of 2024

22.05.2024