



Crl.O.P.No.12419 of 2024

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C.SARAVANAN, J.

The petitioner apprehends arrest by the respondent for the alleged offence under Sections 141, 149, 380, 448, 454 and 427 of Indian Penal Code, 1860 in Crime No.151 of 2024, the petitioner is before the Court and seeks an order of anticipatory bail under Section 438 of Cr.P.C.

2. The case of the prosecution is that the defacto complainant/ Gowri lodged a complaint before the respondent police stating that her husband is a Real Estate Agent and that around last year, a sale agreement was entered between the defacto complainant and one Mahendra Kumar of Coimbatore (petitioner herein) towards purchase of land and there arised a dispute between them and a case in O.S. No.125 of 2024 is pending. Due to the dispute between the parties, the said Mahendra Kumar (petitioner herein) along with his henchmen broke open into the defacto complainant's house and took away the valuables



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and utensils from the house and when the same was questioned, the petitioner has stated that he will return the items by 5:00 PM on the same day but the same has not yet been returned.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and has not committed any offence as alleged by the prosecution. It is also further submitted that the defacto complainant had not come forward to comply the conditions as per the sale agreement for which a case is also pending in O.S.No.125/2024 and the belongings of the petitioner were kept in the said house and he had gone there to retrieve the same and only the things belongs to the petitioner alone were taken and the other things were left untouched. He also further submitted that the defacto complainant had caused minimal damage to the CCTV camera alone and blame has been falsely put upon the petitioner. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that there is a civil disputes between the petitioner and the defacto



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complainant in O.S.No.125 of 2024 on the file of the Sub Court, Coimbatore. He also further submitted that the belongings and valuable of the defacto complainant were took away by the petitioner and he has also caused damage to the CCTV camera in the house of the defacto complainant. Therefore, he opposed to grant anticipatory bail to the petitioner.

5. Having considered the submissions of the learned counsel for the petitioner and learned Government Advocate (Crl. Side) and considering the nature of the civil dispute between the parties, the Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner shall be released on bail in the event of arrest or on his appearance immediately on the following conditions :-

[a] the petitioner shall appear before the learned Judicial Magistrate, Mettupalayam within a period of fifteen



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days from the date on which the order copy made ready.

[b] the petitioner 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 or to the satisfaction of the learned Magistrate concerned.

[c] the petitioner 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.

[d] the petitioner is directed to deposit a sum of **Rs.1,00,000/- (Rupees one lakh only) to the credit of Crime No.151/2024 before the Magistrate concerned**, within a period of two weeks from the date of receipt of this order copy.

[e] the petitioner shall report before the respondent police as and when required for interrogation and directed to co-operate for the investigation.

[f] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[g] the petitioner shall not abscond either during investigation or trial.

[h] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate



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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]**.

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

23.05.2024

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