



Crl.O.P.No.12408 of 2024

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C.SARAVANAN, J.

The petitioner / A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 353, 294(b) and 506(ii) of IPC in Crime No.134 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and the 1st accused are relatives and they had started to build a house in the Government poramboke land. When the Revenue Inspector and the Village Administrative Officer raised objection for the same, the petitioner and the 1st accused went to the revenue office and abused the defacto complainant / Village Administrative Officer and attacked him. Hence, the case.

3. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. He further submits that the petitioner is ready to abide by any condition imposed by this Court. Further, he would however submit that the 1st accused had been granted bail by the learned Chief Judicial Magistrate, Kancheepuram in Crl.M.P.No.1397 of 2024 dated 20.05.2024. Hence, he prays for grant of anticipatory bail to the petitioner.



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4. Learned Government Advocate (Criminal Side) submits that the petitioner and the 1st accused had encroached the Government poramboke land and put up a house. When the Revenue Inspector and the Village Administrative Officer raised objection for the same, the petitioner and the 1st accused went to the revenue office and abused the defacto complainant / Village Administrative Officer and attacked him. Hence, she opposed for grant of anticipatory bail to the petitioner.

5. There are *prima facie* facts indicate that there is a civil dispute between the petitioner and the defacto complainant. The fact on record indicate that the learned Chief Judicial Magistrate, Kancheepuram, has granted bail to A1 on 20.05.2024 in Crl.M.P.No.1397 of 2024 and the same has also been confirmed by the learned Government Advocate (Crl. Side).

6. Considering the above facts and circumstance of the case, this Court is inclined to grant anticipatory bail to the petitioner subject to a condition that the petitioner has to donate a sum of Rs.5,000/- to the Sivananda Saraswathi Sevashram, Chennai, without prejudice to his defence.



7. Accordingly, the petitioner is directed to donate a sum of Rs.5,000/-

(Rupees five thousand only) to the Sivananda Saraswathi Sevashram, Chennai and on production of proof for the same, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy is made ready, before the learned Judicial Magistrate – I, Chengalpattu, on condition that 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] 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;

[b] the petitioner shall report before the respondent Police everyday at 10.30 am for a period of two weeks and thereafter, as and when required for interrogation;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner shall not abscond either during investigation or trial;



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[e] 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]**;

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

24.05.2024

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