



Crl.O.P.No.13662 of 2024

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T.V.THAMILSELVI, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 406, 420 and 506(ii) of IPC, in Crime No.632 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is the owner and the defacto complainant is the tenant. Further, the petitioner had broken open the house of the defacto complainant and took away other articles and a sum of Rs.85,000/- and refused to repay the lease amount. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner had already repaid the advance amount to the defacto complainant. He further submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays to grant anticipatoy bail to the petitioner.



4.The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that there is no previous case pending as against the petitioner and the investigation is almost completed. However, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. The learned counsel for the Intervenor/defacto complainant submitted that the petitioner had broke open the house of the defacto complainant and taken a sum of Rs.85,000/- and other articles. Hence, he strongly opposed for grant of anticipatory bail to the petitioner.

6. Considering the facts and circumstances of the case and also the fact that the investigation is almost completed, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, 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-II, Salem**, 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



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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 on every Saturday at 10.30 a.m., for a period of two months 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.

[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

T.V.THAMILSELVI,J.



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in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

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

13.06.2024

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