



Crl.O.P.No.14942 of 2024

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**T.V.THAMILSELVI, J.**

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The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 447, 427 & 380 of IPC in Crime No.168 of 2024, seeks anticipatory bail.

2.The case of the prosecution is that due to civil dispute, the petitioner illegally trespassed and demolished the office of the defacto complainant and stolen some things and cash of Rs.85,000/- from the office of the defacto complainant. Hence, the complaint.

3.The learned counsel appearing for the petitioner submit that the petitioner aged 79 years is an innocent person and he has been falsely implicated in this case as if the petitioner has caused interference in the possession and enjoyment of the office of the defacto complainant. According to the petitioner, the said premises was in possession and enjoyment of the petitioner and the same was confirmed by the trial Court in O.S.No.205 of 2010 and also confirmed by this Court in S.A.No.274 of 2021. Hence, he prays for grant of anticipatory bail to the petitioner.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that due to civil dispute, the petitioner illegally trespassed and demolished the office of the defacto complainant and stolen some things and cash of Rs.85,000/- from the office of the defacto complainant. He also submitted that there is a civil dispute pending between the parties. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the submissions made by the learned counsel on either side and also of the fact that the petitioner aged about 79 years is senior citizen, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions.

6. Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance before the **learned District Munsif cum Judicial Magistrate, Tharangambadi**, on condition that the petitioner shall execute a bond for a sum of



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**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 is directed to report before the respondent police 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

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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.

**27.06.2024**

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