



Crl.O.P.No.16987 of 2024

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T.V.THAMILSELVI,J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 447, 294(b), 323 and 506(2) of IPC, 1860 and Section 3(1) of Prevention of Damage to Public Property Act, 1984 in Crime No.249 of 2024, seek anticipatory bail.

2. Learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated, whereas, they have not committed any offence as alleged by the prosecution. He further submitted that the other co-accused were released on bail before the Principal District Judge, Dharmapuri. He further submitted that they are ready to abide by any stringent conditions that may be imposed by this Court. Hence, prays for grant of bail to the petitioners.

3. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that there are totally 12 accused in this case and



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the petitioners herein are A11 and A12. There is already a civil dispute between the petitioners and the defacto complainant, and on the date of the incident, the accused trespassed into the land of the defacto complainant, and were alleged to have demolished the motor room and parapet wall of the well on the said land. He further submitted that the matter was settled between the parties and the land was handed over to its owner and further there was no injury to the defacto complainant. However, he vehemently opposed to grant bail to the petitioner.

4. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record.

5. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel on either side and there was no injury, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



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6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the *learned District Munsif cum Judicial Magistrate, Karimangalam*, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, with two sureties 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 and on further condition that:

(a) the petitioners shall deposit a sum of **Rs.7,000/- (Rupees Seven Thousand only) jointly, to the credit of Crime No.249 of 2024, before the concerned Court, within a period of two weeks from the date of receipt of a copy of this order and on such deposit, the defacto complainant is permitted to withdraw the amount by filing necessary affidavit and proper identification and acknowledgment."**

(b) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioners shall report before the



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respondent police daily at 10.30 a.m, for a period of eight weeks;

[d] the petitioners are directed to file undertaking affidavit stating that they would not make any unlawful entry in the said premises, in the manner known to law;

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[f] the petitioners shall not abscond either during investigation or trial;

[g] 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 has been imposed and the petitioners are 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]*; and;

[h] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

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