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Crl.O.P.No.19277 of 2024

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P.DHANABAL, J.

The petitioners seek anticipatory bail in Crime No.218 of 2024 registered by the respondent Police for the offences under Sections 447, 427, 294(b) and 506(ii) IPC.

2. The case of the prosecution is that there was a civil dispute between the petitioners and the defacto complainant, due to which, the petitioners trespassed into the Jasmine garden of the defacto complainant and damaged the Jasmine plants worth about Rs.1,00,000/-. When it was questioned by the defacto complainant, a wordy quarrel arose between them. During the quarrel, the petitioners abused the defacto complainant in a filthy language and threatened him. Hence, this case.

3. The learned counsel for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and a false case has been foisted against them. Hence, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that due to a civil dispute, the petitioners



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damaged the jasmine garden of the defacto complainant and abused him in a filthy language. He further submitted that there is no previous case pending against the petitioners.

5. Considering the submissions made by both sides and taking into consideration of the fact that except the offence under Section 506(ii) IPC, all other offences are bailable in nature and also the fact that there is no previous case pending against the petitioners, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on anticipatory bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **District Munsif cum Judicial Magistrate, Pochampalli** on condition that the petitioners shall execute a separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** each 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:



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[a] the petitioners 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 petitioners shall report before the respondent police on every Saturday at 10.00 a.m., for a period of four weeks and thereafter, as and when required for interrogation.

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

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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;

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