



Crl.O.P.No.27407 of 2024

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest in connection with Crime No.887 of 2024, for the alleged offences punishable under Sections 329(3), 296(b), 115(2) and 351(2) of BNS 2023 read with Section 4 of TNPH Act, on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and his brother are the absolute owners of the land and house site comprised in old S.No.138/2 and New S.No.625/3 in Mangadu Village, Mangadu Firka, Sriperumbudur Taluk, Kancheepuram District and one Thirunavukarasu, S/o Kesava Naicker, who is the neighbouring property owner, had attempted to claim right over the property illegally and had filed O.S.No.1041 of 2008 praying permanent injunction to restrain the petitioner's father and his paternal uncle from constructing any obstruction or compound wall in the said properties and the learned Judge, vide judgment dated 26.03.2014, had dismissed the suit holding



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that the petitioner's family members are the absolute owners of the suit properties and an adverse possession cannot be claimed as a right. Thereafter, the defacto complainant, who is the son of above mentioned Thirunavukarasu, had forcibly entered into the petitioner's premises on 28.07.2022 and tried to demolish the compound wall constructed and thereby, the petitioner had made a complaint before the respondent and on enquiry, CSR No.1510/2022 had been closed. Again the defacto complainant had attempted to trespass into the property on 04.08.2022 and thereby, the petitioner had made a complaint, and the same was taken as CSR.1926 of 2022 and the same is still pending. In the meantime, the petitioner had made a representation before the Commissioner, Avadi jurisdiction on 05.10.2024 to constitute a Special Investigation Team to conduct enquiry. Consequent to the said action, as against the closure report in CSR No.1510/2022, the defacto complainant had filed Crl.M.P.No.5059 of 2024 before the learned Judicial Magistrate, Sriperumbudur and based on reference the case has been registered.

3. Learned Counsel for the petitioner would submit that the



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petitioner is an innocent person and due to property dispute, a case and a counter case had been registered. He would further submit that the petitioner is ready to abide by any stringent condition that may be imposed by this Court and pray for grant of anticipatory bail to him.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing for the grant of anticipatory bail to the petitioner, would submit that the matter arises out of civil dispute and in pursuant to the same, there was a quarrel between both parties and subsequently, the injured persons were discharged from the hospital.

5. Heard the learned Counsel for the Petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record.

6. Considering the above facts and circumstances of the case and the submissions made by the learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioner with certain



7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the **Judicial Magistrate Court, Sriperumbudur**, on condition that the petitioner shall execute a bond for a sum of **Rs.15,000/- (Rupees Fifteen 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 his Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent police everyday at 10.30a.m., until further orders;

[c] the petitioner shall not tamper with evidence or



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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 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 269 of BNS.

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