



Crl.O.P.No.29972 of 2024

Crl.O.P.No.29972 of 2024

WEB COPY A.D.JAGADISH CHANDIRA, J.

Apprehending arrest in connection with Crime No.515 of 2024 registered for the offences punishable under Sections 296(b), 305, 351(2), 324(5) of BNS of 2023, the present petition has been filed seeking anticipatory bail.

2. Pleading innocence on the part of the petitioner, false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. Learned counsel for the petitioner would submit that the allegation against the petitioners is that on account of a property dispute between the petitioners and the defacto complainant, the petitioners trespassed into the property and demolished a house. In this regard, the defacto complainant has filed a suit in O.S.No.544 of 2024 on the file of Kallakurichi Court, which is pending. He also submits that the petitioners are ready to abide by any stringent condition that may be imposed by this Court.

3.The case of the prosecution as putforth by the learned Government Advocate (Crl. Side) appearing for the respondent Police,



opposing for grant of anticipatory bail, is that due to property dispute, the petitioners trespassed into the house of the defacto complainant and demolished the same. He further submits that there is no previous case pending against him.

4. Having heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent Police and perused the materials available on record, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions and 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 of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Kallakurichi, 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 said Magistrate, on further condition that:

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;



CrI.O.P.No.29972 of 2024

[b] the petitioner shall report before the respondent Police daily at 10.30 a.m for a period of two weeks and thereafter on every Saturday at 10.30 a.m until further orders;

[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 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.

02.12.2024

Lpp



WEB COPY



Crl.O.P.No.29972 of 2024

A.D.JAGADISH CHANDIRA, J.

Lpp

Crl.O.P.No.29972 of 2024

02.12.2024