

Crl.O.P.No.10027 of 2019

N.ANAND VENKATESH,J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 341, 352, 427, 379 and 506(1) IPC, in Crime No.76 of 2019 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that there was an existing land dispute between the defacto complainant and the petitioners herein and there was a pending suit between the parties. On 03.04.2019, while the defacto complainant was returning back to his house, he was waylaid by the petitioners and the original land documents and also the mobile phone were taken away under threat.

3. The learned counsel appearing for the petitioners submitted that a false case has been foisted against these petitioners and the defacto complainant had given this complaint as a counter blast for the previous complaint given by the petitioners.

4. The learned Government Advocate(Crl.Side) submitted that the petitioners took away the original documents and also the mobile phone of the defacto complainant.

5. Taking into consideration of the facts and circumstances of this case, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following 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 of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Mannargudi, on condition that the petitioners shall execute a bond for a sum of Rs.5,000/- (Rupees five 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] 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, as and when required, until further orders.

[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]***; and;

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

15.04.2019

mpa/rka

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