



Crl.O.P.No.6632 of 2022

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Dr.G.JAYACHANDRAN, J.,

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences **under Sections 353 and 379 of IPC** in Crime No.39 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The petitioners herein are owner of the land in which stones were removed illegally with the help of A3 (labour) and A4 (owner of the vehicle), in which stones was likely to be transported.

3. The learned Counsel for the petitioners would submit that the first petitioner is the owner of the land bearing Patta No. 1223 and Survey No. 206/2A, since there were several small dunes and small rocks, he was not able to cultivate the land in full. Therefore, he requested the authority concerned to remove the rock and stones. In anticipation of the permission, he with the help of the 2nd and 3rd petitioners removed the stones from the said land for cultivation and there is no illegal intention.

3. Considering the fact that the stones were removed from the patta



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land by the first accused and there is no specific overt act against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

4. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of seven days from the date of receipt of a copy of this order, before the learned ***Judicial Magistrate Court at Rasipuram*** on condition that each of the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand Only), with two sureties, each for a like sum to the satisfaction of the learned Magistrate, failing which the anticipatory bail shall stand canceled and on further condition that:

(a) 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;

(b) **the petitioners shall report before the Investigation Officer as and when required for interrogation;**

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;



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(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 abscond, a fresh FIR can be registered under Section 229-A IPC.

23.03.2022

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