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Crl.O.P.No.18956 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 447, 427, 379 and 511 of IPC in Crime No.127 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is a Village Officer and on the date of occurrence, the petitioner along with other accused person criminally trespassed into the Government land and illegally attempted to remove the granites by using a vehicle viz., Crane bearing Regn.No.TN-01-AS-4954 without getting any permission from the Government and on seeing the defacto complainant, they ran away from the occurrence place and the vehicle was seized. Hence, the complaint.



Crl.O.P.No.18956 of 2022

WEB COPY

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the the petitioner along with other accused person criminally trespassed into the Government land and illegally attempted to remove the granites by using a vehicle viz., Crane bearing Regn.No.TN-01-AS-4954 without getting any permission from the Government and on seeing the defacto complainant, they ran away from the occurrence place and the vehicle was seized. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the above fact and circumstances of the case and also the submissions made by both counsel, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



CrI.O.P.No.18956 of 2022

WEB COPY

6. 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 on which the order copy made ready, before the ***learned Judicial Magistrate-II, Tindivanam, Villupuram District*** 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 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 their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of four weeks and thereafter as and when required for interrogation.



Crl.O.P.No.18956 of 2022

WEB COPY

[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 229A IPC.

11.08.2022

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Crl.O.P.No.18956 of 2022

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CrI.O.P.No.18956 of 2022