



Crl.O.P.No.20843 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 379 IPC r/w 21(1) Mines & Minerals (Development and Regulation) Act 1957, in Crime No.101 of 2022, seek anticipatory bail.

2. The case of the prosecution is that, a letter from the office of the Superintendent of Police, Tiruppur District in N.Ref P1/E-2447900/493/2022 to take action in the complaint given by the complainant K.Keerthana Roopa/ *de-facto* complainant was received. In that complaint, the *de-facto* complainant stated that she owns the agricultural land measuring 6.90 acres in S.F.No.302/3 in Sellampalayam Village, Dharapuram Taluk vide the settlement deed dated 20.01.2021, executed by her mother Mrs.K.Prema, which was registered as Doc No.432/21 in SRO Dharapuram, wherein, her mother obtained the said land through the family partition deed dated 30.12.2010, which was registered as the Doc.No.14654 of 2010. The said land is situated near



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Amaravathy river canal and it is classified as Punja class – I irrigation well type. While being so, during April 2021, using the COVID period, the complainant's maternal uncle S.M.Elangovan/A1 and his son Bharathrakesh/A2 took gravel soil for the depth of 10 feet and varied levels in the said agricultural land measuring 6 acres and spoiled the said land, that it could not be used for agricultural purpose or other purpose. Mr.Senthil/ Petitioner herein from Sikanapuram Village also helped them in this illegal activity. By taking the gravel soil worth of Rs.1.20 Crores, they caused loss of Rs.1 Crore to the market value of the said land. When the talks were held through family elders in this regard, A1 and A2 gave false promise that they would compensate for the loss and made the *de-facto* complainant to believe and made her not to file the complaint in the police station for one year. In between, *de-facto* complainant was doing certain works after finding the boundaries with the help of Government Surveyor and putting up wire fence. At that time also, the A1 and A2 caused interruption and threatened them and also took the videos of the repair work and spread false information among the *de-facto* complainant's relatives as if she and her husband were taking gravel



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soil from the land, thereby causing mental agony and defamation to *de-facto* complainant's reputation. Hence, the complaint.

3. The learned Counsel appearing for the petitioner submitted that the petitioner was only present at the time of occurrence and he has not involved in the said crime. He further submitted that A1 and A2 were granted anticipatory bail by this Court in Crl.O.P.No.20843 of 2022 dated 28.06.2022. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned counsel appearing for the Intervener/*de-facto* complainant submitted that A1 and A2 have removed earth worth about Rs.1.20 Crores from the *de-facto* complainant's land. The petitioner herein helped the other accused to damage the defacto complainant's land. Hence, he vehemently opposed grant of anticipatory bail to the petitioner.



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5. The learned Government Advocate (Crl.Side) appearing for the respondent Police submitted that there are totally 3 accused in which the petitioner is arrayed as A3. A1 and A2 trespassed into the land of the defacto complainant and damaged the land and also took the gravel soil worth of Rs.1.20 Crores. The petitioner herein had helped them to do the said crime. Hence, he vehemently opposed grant of anticipatory bail to the petitioner.

6. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate, Dharapuram on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with **two blood related 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



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petition for anticipatory bail shall stand dismissed 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

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

[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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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