



Crl.O.P.No.21104 of 2022

WEB COPY

Crl.O.P.No.21104 of 2022

G.K.ILANTHIRAIYAN, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 447, 431, 434, 506(i) r/w 3(ii) of TNPPDL Act and 3 of Explosive Substance Act in Crime No.365 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant and 400 families were residing at Pumarathur Village and all the families depending on labour work at Yercaud Estate, Forest Department had laid road. While so, the accused purchased some property 4 years ago whereas now the accused encroached the public road, pathway of cattle and other government land, due to which, the defacto complainant and others approached the accused and asked to give a solution for that the accused intimidated with dire consequences. Hence, the complaint.



CrI.O.P.No.21104 of 2022

WEB COPY

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any such offence as alleged by the prosecution and they have been falsely implicated in this case. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (CrI.Side) would submit that the the defacto complainant and 400 families were residing at Pumarathur Village and all the families depending on labour work at Yercaud Estate, Forest Department had laid road. While so, the accused purchased some property 4 years ago whereas now the accused encroached the public road, pathway of cattle and other government land, due to which, the defacto complainant and others approached the accused and asked to give a solution for that the accused intimidated with dire consequences. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.



CrI.O.P.No.21104 of 2022

WEB COPY

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

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the *learned Judicial Magistrate Court, Omalur* on condition that the petitioners shall execute separate bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, 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:



Crl.O.P.No.21104 of 2022

WEB COPY

[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 1st petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation and the 2nd and 3rd petitioners shall report before the respondent police 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]**.



CrI.O.P.No.21104 of 2022

WEB COPY

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

02.09.2022

Vv



WEB COPY



Crl.O.P.No.21104 of 2022

G.K.ILANTHIRAIYAN, J.

Vv

Crl.O.P.No.21104 of 2022

02.09.2022