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Crl.O.P.No.22694 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioner who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 353, 506(ii) and 309 of IPC in Crime No.371 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the *de-facto* complainant Mr.J.Kannan is working as a Block Development Officer (V.P), Thirunavalur and the petitioner had encroached the Government Natham land in Athur Village. When the *de-facto* complainant along with the other officials initiated eviction proceedings against the petitioner encroachment of the Government Natham land in Athur Village, to enforce the order of this Court, the petitioner along with the other accused abused the *de-facto* complainant and the other officials in filthy language and criminally intimidated the VAO and other officials and also threatened them to commit suicide. Hence the complaint.



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3. The learned counsel for the petitioner would submit that the *de-facto* complainant and the other officials initiated eviction proceedings without following the procedure contemplated under Law and when it was objected to by the A1/petitioner herein, a false complaint has been given as against A1 and others. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. Per contra, the learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner along with A2 & A3 had abused the *de-facto* complainant and intimidated them and also threatened to commit suicide. Therefore, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsels. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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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 Judicial Magistrate Court - ii Ulundurpet, on condition that the petitioner 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 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 everyday at 10.30 a.m. for a period of two weeks and thereafter on every Saturday at 10.30 a.m., until further orders.

[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.



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[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.

20.09.2022

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