



Crl.O.P.No.308 of 2023

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**T.V.THAMILSELVI, J.**

The petitioners who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 341, 385, 323 and 506(i) of IPC in Crime No.348 of 2022, seek anticipatory bail.

2.The case of the prosecution is that while the defacto complainant went to measure the land situated in S.No.263/5B1, 63/52B, 5A of 0.14 ares and 35 cents along with a Surveyor, the petitioners trespassed into the land, obstructed the survey of the land, abused and tried to assault him with hands and also threatened him. Hence the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and due to previous enmity, a false complaint has been given against them. He would further submit that the co-accused in this case has already been enlarged on bail. Hence, he prays for grant of anticipatory bail to the petitioners.



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4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioners trespasses into the land of the defacto complainant, obstructed the survey of the land, abused and tried to assault him with hands and also threatened the Government Officials who are the Surveyor and Village Administrative Officers. He would submit that there is no previous case pending against them. Hence, he opposed for grant of anticipatory bail to the petitioners.

5.Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.

6.Considering the facts and circumstances of the case and also the submissions made by the learned counsel for the petitioner and that the investigation has been completed, this court is inclined to grant anticipatory bail to the petitioners with certain conditions.



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7. 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 No.I, Thiruvallur, on condition that the petitioners shall execute a bond 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:

[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 file an affidavit of undertaking stating that they should not cause any interference to the Government Officials while they discharge their duties.**



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**(c) the petitioner shall report before the respondent police station daily at 10.30 a.m., for a period of eight weeks;**

(d)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioner shall not abscond either during investigation or trial;

(f) 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]***; and;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

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