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Crl.O.P.No.2984 of 2023

T.V.THAMILSELVI, J.

The petitioners who apprehend arrest for the alleged offence under Sections 447, 294(b), 379 and 506 (i) of IPC in Cr.No.18 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioners had stolen the stone from the de facto complainant land by using Tipper Lorry bearing Registration No.TN 18 L-4249. Thereby, the defacto complainant lodged a complaint against the petitioners.

3. The learned Counsel for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and a false case has been foisted against them. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. side) submits that the petitioners had stolen the stone and sand from the de facto complainant land by using Tipper Lorry bearing Registration No.TN 18 L-4249. He further



submitted that there is a land dispute between the petitioners and the defacto complainant. Hence, he opposed for granting anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and the stage of investigation, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on anticipatory bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned *Judicial Magistrate No.I, Kallakurichi, Kallakurichi District* on condition that the petitioners shall execute a bond for a sum of **Rs.10,000/-each (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 and on further condition that:



(a) the petitioners are directed to deposit Rs.75,000/- (Rupees Seventy Five Thousand only) to the credit of Crime No.18 of 2023 within a period of two weeks from the date of receipt of copy of this order, before the concerned Magistrate and shall produce the said receipt before the Court below ;

(b)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c)the petitioners shall report before the respondent police every Tuesday and Sunday at 10.30 a.m. for a period of three months and thereafter, as and when required for interrogation;

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

(e)the petitioners 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 petitioners in accordance with law as if the



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conditions have been imposed and the petitioners released on anticipatory 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;

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

14.02.2023

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