



Crl.O.P.No.4531 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 447, 427, 379 and 506(i) of IPC, in Crime No.194 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the *de-facto* complainant has purchased a property from one Jayanthi on 12.03.2019 vide sale deed bearing Document No.658 of 2019. Thereafter, she was in possession and enjoyment of the said property and even, she had paid the pending wages to A1, which is alleged to be paid by the said Jayanthi. However, the petitioners herein have restrained her from entering into her land and had stolen Teak trees from her land and sold the same. Hence, she has given a complaint, which was registered in C.S.R.No.95 of 2021 and on the said complaint, the petitioners have undertaken not to disturb her or the land before the respondent police. Even, thereafter, they have stolen 60 Teak trees from her land and sold the same, without obtaining any permission from the authorities. Hence, the case.



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3.The learned counsel for the petitioners would submit that a civil suit was pending between petitioners and the *de-facto* complainant in O.S.No.349 of 2021 on the file of Principal District and Sessions Judge, Tiruvallur. Initially, C.S.R.No.95 of 2021 and the same was closed after compromise. He would also submit that due to the pendency of the civil suit, the *de-facto* complainant has given a false complaint against the petitioners. He would further submit that the petitioners are ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) would submit that one Jeyanthi, who is the original owner of the property, from whom, the *de-facto* complainant has purchased the land on 12.03.2019. It is alleged that these petitioners were previously working under the said Jeyanthi and the *de-facto* complainant had settled a sum of Rs.3,50,000/- to the petitioners. However, the petitioners have stolen Teak trees from her land and sold the same and she has given a complaint, which was registered in C.S.R.No.95 of 2021 and the petitioners assured that they would not



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interfere with the possession of the *de-facto* complainant. However, thereafter, on 20.04.2022, the petitioners clandestinely cut down 60 numbers of teak trees without the knowledge of the *de-facto* complainant. Therefore, the present complaint is filed and the investigation is pending. Hence, he opposed for grant of anticipatory bail to the petitioners.

5.Taking into consideration the facts and circumstances of the case and also considering the submissions made by the learned Government Advocate (Crl.Side) civil dispute pending, 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 **leraned Judicial Magistrate, Uthukottai**, on condition that each of the petitioners shall execute a separate bond for a sum of **Rs.10,000/-**



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(Rupees Ten Thousand only) with two sureties (out of which, one surety must be a blood surety) 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 report before the respondent police on every Tuesday and Sunday at 10.30 a.m. for period of three months ;

[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;



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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 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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