



Crl.O.P.No.7735 of 2023

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**A.D.JAGADISH CHANDIRA, J.**

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 465, 466, 471, 447 and 420 of IPC, in Crime No.95 of 2023, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Mohanarangam is that the petitioner/A1 along with others, trespassed into the defacto complainant's land and put up a Thatched shed and obtained property Tax Receipt No.3571 dated 21.02.2023 from A2/Gomathi, who is the President of the Settiyappanoor Panchayath and by using the said Tax receipt, obtained EB Connection and grabbed the property. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner had put a structure in his land and aggrieved by the same, the defacto complainant has given a



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false complaint against the petitioner as if, the petitioner obtained EB connection by fraud. As of now, the EB connection has been disconnected. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) would submit that the petitioner who is a Bus Conductor, in collusion with the Village President, had fabricated the property tax receipt of the defacto complainant as if, the property belongs to the petitioner and based on the same, the petitioner build up two shops and obtained EB connection. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the above facts and circumstances of the case and the submissions made on both sides, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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7. 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 **learned District Munsif cum Judicial Magistrate, Vaniyambodi**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand Only) with two sureties** 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 his 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., until further orders.**

[c] the petitioner shall not tamper with evidence or witness



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either during investigation or trial.

[d] the petitioner 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 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.

**12.04.2023**

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