



Crl.O.P.No.8895 of 2023

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

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 341, 386 and 506(1) of IPC, in Crime No. 124 of 2023, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Baskar is that the accused had indulged in road roko and they have also waylaid his ready mix concrete lorries illegally by removing the keys from the driver, thereby the ready mix concrete in the lorries got damaged and the value of ready mix concrete was worth about Rs.3,50,000/-. Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and a false complaint has been given against them. He further submitted that the first petitioner is a Panchayat President and that the defacto complainant and his company were engaged in illegal mining and illegal manufacture of the ready mix concrete without proper licence and they caused damage to the



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environment and when it was questioned they have given a false complaint. He further submitted that earlier the first petitioner had given a complaint against the defacto complainant's company in respect of which, the case in Crime No.121 of 2023 has been registered by the respondent police and only as a counter blast, a false complaint has been given as if the petitioners had waylaid the lorry belonging to the defacto complainant and thereby he sustained loss. He further submit that the petitioners has no previous case against them. Hence, he prayed to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) would submit that the petitioners waylaid the defacto complainant's ready mix concrete lorries illegally by removing the keys from the driver, thereby the ready mix concrete lorries got damaged and the value worth about Rs.3,50,000/-. He further submitted that the petitioners have no previous cases as pending against them. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Heard the learned counsel for the petitioners and the learned



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Government Advocate (Crl. Side) and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and also the submissions made on both sides, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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, Ranipet**, on condition that the petitioners shall execute separate bond for a sum of **Rs.10,000/- (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, 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.



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[b] the petitioners shall report before the respondent police everyday at 6.30 p.m., until further orders.

[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.

[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.

**05.06.2023**

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