



Crl.O.P.No.10293 of 2023

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G.CHANDRASEKHARAN. J.

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 420, 465, 468 & 471 IPC, in Crime No.90 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. It is the submission of the learned counsel for the petitioner that petitioner is enjoying the irrigation water facility through Ayakattu Kizhbhavani scheme, vide the order passed in Ni.Mu.No.138212/88/A1, dated 29.05.1993. It is now claimed that this order is not a genuine order, but it is a created one and a bogus order. He further submitted that petitioner is an agriculturist and he is not aware that this order is a bogus order. Apprehending arrest, this petition is filed.

3. In response, the learned Government Advocate (Crl.Side) submitted that on verifying the order passed in Ni.Mu.No.138212/88/A1, dated 29.05.1993 in favour of the petitioner, the District Collector, Erode, has given a view that this order is not a genuine order and directed



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initiation of criminal proceedings against the petitioner. Therefore, this FIR was registered.

4.Considering the fact that petitioner was given this order in the year 1993 and it is claimed that he is enjoying the irrigation water facility from the year 1993 and till now and now, it is claimed that this order is not a genuine order, this Court is of the view that petitioner being an agriculturist, he may have been cheated by somebody else. Moreover, the allegation in this case has to be decided only on the basis of the documentary evidence. Therefore, this Court is of the view that custodial interrogation of the petitioner is not necessary and this Court is inclined to grant anticipatory bail to the petitioner.

5.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 Judicial Magistrate, Perundurai**, on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five**



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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 petitioner 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 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 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



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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.

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