



Crl.O.P.No.11925 of 2023

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V.LAKSHMINARAYANAN, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Section 294(b), 353, 431 and 506(2) of I.P.C. in Crime No.73 of 2023, on the file of respondent police, seek anticipatory bail.

2. The case of prosecution is that as the petitioners and other villagers are doing agricultural activities in their respective lands and the water source for them is only from Mettur Dam, which passes through Mettur South Canal and then gets separated to branch canal and thereafter passes through sub-canal and finally it reaches the lands belong to the farmers. However, the passage canal was demolished by real estate owners and tried to lay a road to reach their lands. While being so on 09.05.2023, when the defacto complainant viz., Assistant Irrigation Officer executing the work along with other officers to contract a canal in the petitioners lands, they said to have prevented him, due to which there was a wordy quarrel between the petitioners and the defacto complainant, thereby they



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threatened him and also restrained him from doing his official duty. Hence, the complaint was registered against the petitioners.

3. The learned counsel appearing for petitioners submitted that the entire allegation is false, vindictive, wanton and they are no way connected with the offence. He would submit that they have not at all committed any offence as alleged by the respondent police and due to malafide intention, they have been falsely implicated in this case, since they have not withdrawn the complaint as directed by the officials and they will abide by any condition that may be imposed by this court. Hence, he prayed to grant bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that on the date of occurrence, when the Assistant Irrigation Officer commencing the work to construct a canal in the petitioners' lands, they have prevented him from discharging his official duty, due to which, there was a wordy quarrel between the petitioners and the defacto complainant, thereby they threatened him. He would submit



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that that if they are released on anticipatory bail, they may tamper the witnesses and hamper the investigation and now the investigation is almost completed. Hence, he vehemently opposed to grant bail to the petitioners.

5. Considering the above facts and circumstances of the case, and considering the fact that the investigation is almost completed, 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 learned Judicial Magistrate Court No.1, Sankari, on condition that the petitioners shall execute a 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:



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[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 appear before respondent police as and when required for investigation.

[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.

26.05.2023

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V.LAKSHMINARAYANAN, J.

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