



Crl.O.P.No.13737 of 2023

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G.CHANDRASEKHARAN. J.

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 353 and 434 I.P.C. in Crime No.169 of 2018 on the file of the respondent police, seek anticipatory bail.

2.It is the submission of learned counsel for the petitioners that for the incident that said to have been happened on 05.08.2017 during surveying of the disputed property, First Information Report was registered only on 14.05.2018. Petitioners have right in the disputed property. Therefore, they objected for surveying.

3.In response, the learned Government Advocate (Criminal side) submitted that defacto-complainant as Tahsildar, when tried to measure the disputed land with his staff, they were prevented from performing their official duty by the petitioners.

4. Considered the submissions and perused the records.



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5.It is seen from the submissions that there is a dispute between one Ganesan and petitioners in connection with property in Survey No.489/2A and 489/2B in Bommikuppam village. On a petition submitted by one Ganesan, defacto-complainant along with officials tried to measure the disputed property and that was objected by the petitioners. Considering the fact that the incident had happened on 05.08.2017 and we are in 2023 and that investigation in this case is not completed till now, this Court is inclined to grant anticipatory bail to the petitioners for the reason that custodial interrogation of the petitioners is not necessary at this distant point of time. In such circumstances, 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 No.II, Thirupathur**, on condition that the petitioners shall execute a bond for a sum of **Rs.10,000/- each (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



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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 report before the respondent police everyday at 10.30 a.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



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in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

03.07.2023

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