



Crl.O.P.No.14799 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 294(b), 352, 353, 427, 447 and 506(i) IPC in Crime No.176 of 2023 on the file of the respondent police, seek anticipatory bail.

2. Learned counsel for the petitioners submitted that, petitioners are falsely implicated in Crime No.176 of 2023 for the offences under Sections 294(b), 352, 353, 427, 447 and 506(i) IPC. Infact, petitioners filed W.P.No.33747 of 2022 seeking issuance of patta in S.No.1/1, Alakudi Village, Sirkali Taluk, Mayiladuthurai District. This Court, on 17.04.2023 directed the 1st respondent to consider the petitioner's representation dated 26.04.2021 and pass appropriate orders in accordance with law. Meanwhile, forest official are unnecessarily interfering with the enjoyment of the petitioners. Therefore, petitioners filed this petition seeking anticipatory bail.



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3. Learned Government Advocate (Criminal side) opposes this petition, on the ground that, petitioners had encroached the reserve forest land and started cultivation. When they were informed by the defacto complainant that, they encroached reserve forest land, petitioners had kicked the two wheeler of defacto complainant bearing No.TN 91 M 2397 and threatened to set the vehicle on fire. Therefore, he prays for dismissal of this petition.

4. Considered the submissions and perused the records.

5. Considering the claim of the petitioners seeking patta in respect of the disputed land and that petitioners' representation is being considered and the nature of the allegations made in the first information report, this Court is of the view that, custodial interrogation of the petitioners is not necessary and the petitioners are 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, Sirkali** on condition that the



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petitioners shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five 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.

[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.



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[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.

11.07.2023

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