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Crl.O.P.No.15226 of 2023

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G.CHANDRASEKHARAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under **Sections 379 and 511 IPC in Crime No.472 of 2023** on the file of the respondent police, seeks anticipatory bail.

2. Learned counsel for the petitioner submitted that the petitioner had only removed a small rock, which is in the patta land of his father in S.Nos.31/2A 0.19.5 ares, 31/2B 0.15.0 ares, 31/2C 0.435 ares and 31/3 0.20.0 ares in Okkaiyur village. He has not committed anything illegally and thus, he seeks anticipatory bail for the petitioner.

3. In response, learned Government Advocate (Criminal side) submitted that petitioner without obtaining proper permit from the authorities, used JCB to remove the rock. On seeing the revenue authorities, he escaped from the scene of occurrence. The JCB was seized.



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4. Considering the nature of the offence alleged against the petitioner, as he has only tried to remove a small rock in the patta land of his father and that the JCB vehicle used was also seized, this Court is of the view that, custodial interrogation of the petitioner is not necessary.

5. In such circumstances, 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 Arni**, on condition that the petitioner 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 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



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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 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.

14.07.2023

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