



Crl.O.P.No.15693 of 2023

Crl.O.P.No.15693 of 2023

G.CHANDRASEKHARAN. J.

The petitioner, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 147, 148, 447, 427, 294(b) and 506(2) of IPC in Crime No.366 of 2022 on the file of the respondent police, seek anticipatory bail.

2. Learned counsel for the petitioner submitted that, petitioner is not at all involved in the offence alleged in the FIR and he is falsely implicated in this case. Thus, he seeks anticipatory bail for petitioner.

3. Learned Government Advocate (Criminal side), opposes this petition, on the ground that, there is a previous enmity between the *de-facto* complainant and the accused. On 20.08.2022, at about 8.30 a.m., the accused had cut 300 guava trees and taken two tonnes of guava fruit from *de-facto* complainant's land in S.Nos.181 – 20 ½ extent and 182/4A – 10 cents extent. Investigation in this case is pending. Thus, he prays for dismissal of this petition.

4. Considering the nature of the allegations that petitioner along with other accused had cut guava trees and taken two tonnes of fruits valued at Rs.80,000/- and also the fact that, despite the registration of



Crl.O.P.No.15693 of 2023

WEB COPY

FIR on 23.08.2022, the respondent police has not taken any steps to arrest the accused, this Court is of the view that, custodial interrogation of the petitioner is not necessary. 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 Judicial Magistrate Court No.II, Ulundurpet**, 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 identity.

[b] the petitioner without prejudice to his



Crl.O.P.No.15693 of 2023

defence shall deposit a sum of Rs.40,000/-(Rupees Forty Thousand only), to the credit of the Crime No.366 of 2022 before the Judicial Magistrate Court No.II, Ulundurpet. On such deposit, learned Magistrate is directed to use the amount under Section 357 of Cr.P.C for awarding victim compensation; Payment of this amount will not amount to admission of guilt of the petitioner.

[c] the petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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].



WEB COPY



Crl.O.P.No.15693 of 2023

G.CHANDRASEKHARAN. J.

mpl

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

19.07.2023

mpl

Crl.O.P.No.15693 of 2023