



Crl.O.P.No.17898 of 2023

Crl.O.P.No.17898 of 2023

WEB C.V.SIVAGNANAM, J.

The Petitioner, who apprehends arrest at the hands of the Respondent police for the offence punishable under Sections 379 & 511 of IPC in Crime No.247 of 2023 on the file of the Respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 09.07.2023, the Defacto Complainant received a message that unknown persons were taking sand in S.F.No.303/4A at Kandiyankovil Village, Tiruppur Taluk and when he visited the place, he found that a JCB vehicle, belonging to the Petitioner, on instructions from the land owner, removing gravel sand for nearly six feet in 50 cents, without any permission. Hence the complaint.

3.The learned Counsel for the Petitioner would submit that the Petitioner is an innocent person, at the instance of A1, who is the land owner, he was leveling the land of A1. There is some civil dispute between the Defacto Complainant and A1 and due to which, he was falsely implicated in this case. Hence, the learned counsel for the Petitioner prays for grant of anticipatory bail to the Petitioner.

4.The learned Government Advocate (Crl. Side) for the Respondent vehemently opposed to grant anticipatory bail to the Petitioner.

5.Heard both sides and perused the materials available on record.



CrI.O.P.No.17898 of 2023

6.Taking into consideration the facts and the submissions made by the learned counsel on either sides and the nature and gravity of the alleged offences, this Court is inclined to grant anticipatory bail to the Petitioner with certain conditions.

7.Accordingly, 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, Palladam**, on condition that the Petitioner shall execute a separate 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:

[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 shall report before the Respondent Police, everyday at 10.30 a.m., for a period of three weeks and thereafter as and when required;**

[c] the Petitioner shall not tamper with evidence or



CrI.O.P.No.17898 of 2023

WEB COPY

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 abscond, a fresh FIR can be registered under Section 229A IPC.

14.08.2023

sai/spp



WEB COPY



Crl.O.P.No.17898 of 2023

V.SIVAGNANAM, J.

spp

Crl.O.P.No.17898 of 2023

14.08.2023