



Crl.O.P.No.18422 of 2023

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WEB C **RMT.TEEKAA RAMAN, J.**

The petitioner/A1, who apprehends arrest for the alleged offences under Sections 379 and 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 case.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and due to civil dispute, a false complaint has been given against him. He would further submit that the petitioner is ready to abide by any stringent condition that may be imposed by this Court and co-accused in this case granted anticipatory bail by this Court in



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CrI.O.P.No.17898 of 2023 on 14.08.2023. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (crl.side) appearing for the respondent Police vehemently opposed to grant anticipatory bail to the petitioner.

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

6. Taking into consideration the facts of the case and the submissions made by the learned counsel on either side and also of the fact that the co-accused in this case has already been granted anticipatory bail by this Court, 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



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date on which the order copy made ready, before the learned Judicial Magistrate, Palladam, on condition that the petitioner shall execute a 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 daily at 10.30 a.m., for a period of three weeks and thereafter as and when required for interrogation;

[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



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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;

21.08.2023

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