



Crl.O.P.No.22242 of 2023

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C.V.KARTHIKEYAN, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 229A of IPC in Crime No.47 of 2023, seek anticipatory bail.

2. The case of the prosecution is that, while granting Anticipatory Bail in Crl.O.P.No.14409 of 2022 dated 28.06.2022 in Cr.No.101 of 2022 for the alleged offences under section 375 of IPC r/w. Section 21(1) of Mines and Minerals Act, this court imposed certain conditions in the earlier order, but the petitioners had not complied the said conditions. Hence a case was registered against the petitioners under section 229A of IPC.

3. The learned counsel for the petitioner stated the earlier Anticipatory Bail Petition was allowed by an order dated 28.06.2022 in Crl.O.P.No.14409 of 2022 in Cr.No.101/2022 which has been registered under section 375 of IPC r/w. Section 21(1) of Mines and Minerals Act. In



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that particular order the petitioners are directed to deposit 25,00,000/- each to the credit of Judicial Magistrate, Dharapuram and signed before the respondent police every week on Monday. Aggrieved by the same, these petitioners had filed a SLP(Crl) No.7017 of 2022 before the Hon'ble Supreme Court of India. Accordingly, the final order passed by Hon'ble Supreme Court of India dated 29.03.2023, the petitioners had deposited the Rs.25,00,000/- each and complied the earlier conditions. It is stated that the petitioners had subsequently complied with the conditions and the defacto complainant had also withdrawn the sum of Rs.50,00,000/- which was total by deposited by the petitioners herein.

4. It is stated by the learned Government Advocate (Criminal Side) that the petitioners are still interfering with the possession of defacto-complainant and had also put up big farm in front of the farm of the defacto complainant.

5. But at any rate the present Cr.No.47 of 2023 registered under section 229(a) IPC for violation of earlier bail condition. The same has been complied with and also the affidavit had been filed by the 1st petitioner herein and also by the 2nd petitioner stating that they would



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6. Taking into consideration of the above fact, this Court is inclined to grant anticipatory bail to the petitioners herein with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **Judicial Magistrate, Dharapuram** on condition that the petitioners shall execute separate bond for a sum of Rs.20,000/- (Rupees Twenty 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.



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[b] the petitioners shall appear before the respondent police daily 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.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners 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]**.

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

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