



Crl.O.P.No.22555 of 2023

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C.V.KARTHIKEYAN, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 435, 294(b) and 506(2) of IPC in Crime No.69 of 2023 on the file of the respondent police, seek anticipatory bail.

2. It is the submission of the learned counsel for the petitioners that, due to the previous enmity, the defacto complainant had given a false complaint against the petitioners. He further submitted that, the petitioners have not committed any offence as alleged by the respondent police. Thus, he prays for grant of anticipatory bail to the petitioners.

3. In response, the learned Government Advocate (Criminal side) submitted that, father and two sons are before this Court seeking anticipatory bail. The occurrence had happened on 08.08.2023. It is stated that, there was a land dispute between the petitioners herein and the defacto complainant. The allegation is that, the petitioners had set fire to the coconut and palm trees grown in the field of the defacto complainant and it is contended that



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the total loss would be around Rs.1,50,000/-. Thus, this petition may be dismissed.

4. However, the learned counsel for the petitioners submitted that, only dried leaves were burnt, but, fire accidentally spread across to the Palm trees situated in Poramboke land.

5. Taking an over all consideration of the entire issue, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. 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, Kumarapalayam** on condition that the petitioners 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:



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[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.

[b] Petitioners are directed to deposit a sum of Rs.50,000/- jointly to the credit of the Crime No.69 of 2023 at the time of furnishing sureties.

[c] After completion of trial, if the petitioners are acquitted by the jurisdictional trial Court Magistrate, the deposited amount shall be returned back to the petitioners. If the petitioners are convicted, the amount shall be handed over to the defacto complainant.

[d] the petitioners shall report before the respondent Police, once in every week at 10.30 a.m., i.e., every Monday till the filing of the charge sheet and thereafter as directed by the trial Court;

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial;



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[f] the petitioners shall not abscond either during investigation or trial;

[g] 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 petitioners 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]**;

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

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