



Crl.O.P.No.23858 of 2023

C.V.KARTHIKEYAN, J.

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The petitioners/A1,A2&A4, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 147, 294(b), 363, 323, 324, 387 and 506(ii) of I.P.C, in Crime No.285 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant leased out his 5 acres of land to first petitioner herein and he cultivated plantain and watermelon fruits. The de-facto complainant instructed him to stop watermelon cultivation and to continue plantain cultivation alone, since several pesticides were used in watermelon which tend to spoil the quality of soil. It is further stated that the accused persons had joined together and had extracted the de-facto complainant's signature in blank papers. Hence the case.

3. The de-facto complainant had also filed an application seeking permission to intervene in the matter. Permission is granted.

4. The learned Counsel for the petitioner would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He however very seriously objects to the statement that blank



signed papers have been obtained from the de-facto complainant on threat. Hence, he prayed for grant of anticipatory bail to the petitioners.

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5. The learned Government Advocate (Criminal Side) for the respondent submits that there was a quarrel between the first petitioner and the de-facto complainant in respect to cultivation of watermelon and one of the accused was taken into custody. However, he opposed for grant of anticipatory bail to the petitioners.

6. Heard both sides and perused the materials available on record including the FIR.

7. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel on either side, it is made clear that if at all signed papers are produced by the petitioner it must be inferred they are created document with signature obtained in blank papers and the de-facto complainant is given liberty to proceed against the lessors/petitioners herein on that aspect in the manner known to law. Hence, this Court is inclined to grant anticipatory bail to the petitioners.

8. 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 No.I, Bhavani**, on condition that the petitioner shall execute a separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties 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., until further orders;

[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 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.

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