



Crl.O.P.No.24430 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 379 of IPC in Crime No.140 of 2023, seek anticipatory bail.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the respondent Police.

3. It is stated that the petitioner had cut down the palm trees worth about Rs.6,000/- and had removed it in a vehicle bearing registration No. TN 41 T 0795. The learned counsel for the petitioner stated that the petitioner is innocent of the offence. But however, it is only appropriate that the petitioner deposits a sum of Rs.3,000/- to the credit of Crime No.140 of 2023 and on such deposit, the amount may be handed over to the defacto complainant.



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4. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner herein with certain conditions. Accordingly, the petitioner is 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, Tiruppur District** on condition that the petitioner shall deposit a sum of Rs.3,000/- to the credit of the Crime number, which shall be handed over to the defacto complainant. 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.



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[b] the petitioner shall appear before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required.

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

20.10.2023



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