



Crl.OP.No.2016 of 2024

Crl.O.P.No.2016 of 2024

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C.V.KARTHIKEYAN,J.

The petitioners/A1–A3 and A5-A10 in Crime No.4 of 2024 registered by the respondent police for the offences punishable under Sections 147, 294(b), 341, 353 and 506(ii) of IPC seek anticipatory bail.

2. It is the case of the prosecution that the defacto complainant, Village Administrative Officer had lodged a complaint that the accused had put up huts at land in S.No.186/1 which totally measures 1.26.68 hectares at Amidhanahalli Village. The land is to be classified as Grama Natham.

3. It is the contention of the learned counsel for the petitioners that without following due process, an attempt was made to evict the petitioners from their places of residence and this was objected to by the petitioners.



Crl.OP.No.2016 of 2024

WEB COPY

4. The learned Government Advocate (Crl.Side) stated that eviction orders had not been passed, but, insisted that the petitioners were in unlawful occupation in the aforementioned land. To remove occupation, necessary procedure has to be followed. It also involves issuing notice and giving opportunity of hearing and thereafter, order has to be passed. The Revenue Authorities will have to follow necessary procedures as enunciated by law.

5. In view of that particular fact, this Court is inclined to grant anticipatory bail to the petitioners subject to the following 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, Palakkodu, Dharmapuri* on condition that each of the petitioners shall execute separate bonds for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties, for a like



Crl.OP.No.2016 of 2024

WEB COPY

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.

[b] the petitioners shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

[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



Crl.OP.No.2016 of 2024

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]**.

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

27.02.2024

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Crl.OP.No.2016 of 2024

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WEB COPY



CrI.OP.No.2016 of 2024

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